

SECOND REGULAR SESSION

SENATE BILL NO. 961

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEMBKE.

Read 1st time February 17, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4994S.011

AN ACT

To repeal section 32.125 as enacted by house substitute for senate bill no. 374, eighty-eighth general assembly, first regular session, section 52.315 as enacted by house committee substitute for senate committee substitute for senate bill no. 497, ninety-fourth general assembly, first regular session, section 67.281 as enacted by conference committee substitute for senate bill no. 513, ninety-fifth general assembly, first regular session, section 67.1305 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 210 merged with conference committee substitute for house committee substitute for senate substitute for senate bill no. 343, ninety-third general assembly, first regular session, section 91.055 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, section 115.348 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session, section 135.100 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session and section 135.100 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, section 135.200 as enacted by conference

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session and section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session and section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, section 141.550 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, section 171.035 as enacted by conference committee substitute for house committee substitute for senate bill no. 376, ninety-fourth general assembly, first regular session and section 171.035 as enacted by house committee substitute for house bill no. 678, ninety-fourth general assembly, first regular session, section 192.632 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780 merged with conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session and section 192.632 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 577, ninety-fourth general assembly, first regular session, section 217.777 as enacted by senate committee substitute for senate bill no. 430, eighty-ninth general assembly, first regular session, section 227.381 as enacted by house bill no. 1488, ninety-third general assembly, second regular session, section 228.362 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bill no. 180, eighty-seventh general assembly, first regular session, section 286.060 as enacted by senate committee substitute for house committee substitute for house bills nos. 300 & 95, eighty-eighth general assembly, first regular session, section 301.064 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session and section 301.064 as enacted by house bill no. 769, eighty-ninth general assembly, first regular session, section 301.630 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first

general assembly, second regular session, section 304.156 as enacted by senate committee substitute for house bill no. 996 and house bill no. 1142 and house committee substitute for house bill no. 1201 and house bill no. 1489, ninety-second general assembly, second regular session, section 304.678 as enacted by house committee substitute for senate committee substitute for senate bill no. 372, ninety-third general assembly, first regular session, section 321.701 as enacted by conference committee substitute no. 2 for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, section 321.714 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session, section 324.712 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 567, ninety-first general assembly, first regular session, section 324.1102 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 335.067 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 361.170 as enacted by house committee substitute for house bill no. 379, ninety-third general assembly, first regular session, section 370.107 as enacted by senate bill no. 318, ninety-third general assembly, first regular session, section 376.1500 as enacted by senate substitute no. 2 for senate committee substitute for house committee substitute for house bill no. 818, ninety-fourth general assembly, first regular session, section 376.1516 as enacted by senate committee substitute for senate bill no. 66, ninety-fourth general assembly, first regular session, section 393.906 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth

general assembly, first regular session, section 393.921 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, section 441.236 as enacted by house substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 89 & 37, ninety-first general assembly, first regular session, section 470.270 as enacted by conference committee substitute for house substitute for house committee substitute for senate substitute for senate bill no. 1248, ninety-first general assembly, second regular session, section 565.082 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 62, ninety-fifth general assembly, first regular session, section 622.010 as enacted by house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted by house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, section 644.031 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, and section 644.568 as enacted by house substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 160 & 82, ninetieth general assembly, first regular session, and to enact in lieu thereof three new sections for the sole purpose of repealing multiple versions of statutes.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 32.125 as enacted by house substitute for senate bill
2 no. 374, eighty-eighth general assembly, first regular session, section 52.315 as
3 enacted by house committee substitute for senate committee substitute for senate
4 bill no. 497, ninety-fourth general assembly, first regular session, section 67.281
5 as enacted by conference committee substitute for senate bill no. 513, ninety-fifth
6 general assembly, first regular session, section 67.1305 as enacted by conference
7 committee substitute for senate substitute for senate committee substitute for
8 house committee substitute for house bill no. 58 merged with conference
9 committee substitute for house committee substitute for senate substitute for
10 senate committee substitute for senate bill no. 210 merged with conference
11 committee substitute for house committee substitute for senate substitute for
12 senate bill no. 343, ninety-third general assembly, first regular session, section

13 91.055 as enacted by conference committee substitute for senate substitute for
14 senate committee substitute for house substitute for house bill no. 450, ninetieth
15 general assembly, first regular session, section 115.348 as enacted by conference
16 committee substitute for senate substitute for senate committee substitute for
17 house committee substitute for house bill no. 58, ninety-third general assembly,
18 first regular session, section 135.100 as enacted by conference committee
19 substitute for senate substitute for senate committee substitute for house
20 substitute for house committee substitute for house bill no. 701, ninetieth general
21 assembly, first regular session and section 135.100 as enacted by conference
22 committee substitute for house substitute for house committee substitute for
23 senate bill no. 827, eighty-ninth general assembly, second regular session, section
24 135.200 as enacted by conference committee substitute for senate substitute for
25 senate committee substitute for house substitute for house committee substitute
26 for house bill no. 701, ninetieth general assembly, first regular session and
27 section 135.200 as enacted by conference committee substitute for house
28 committee substitute for senate bill no. 1, eighty-ninth general assembly, second
29 extraordinary session and section 135.200 as enacted by senate substitute for
30 senate committee substitute for house substitute for house committee substitute
31 for house bill no. 1656, eighty-ninth general assembly, second regular session,
32 section 141.550 as enacted by conference committee substitute for house
33 substitute for house committee substitute for senate committee substitute for
34 senate bill no. 894, ninetieth general assembly, second regular session, section
35 171.035 as enacted by conference committee substitute for house committee
36 substitute for senate bill no. 376, ninety-fourth general assembly, first regular
37 session and section 171.035 as enacted by house committee substitute for house
38 bill no. 678, ninety-fourth general assembly, first regular session, section 192.632
39 as enacted by conference committee substitute for senate substitute for senate
40 committee substitute for house committee substitute for house bill no. 780 merged
41 with conference committee substitute no. 2 for house committee substitute for
42 senate committee substitute for senate bill no. 308, ninety-fourth general
43 assembly, first regular session and section 192.632 as enacted by conference
44 committee substitute for house committee substitute for senate substitute for
45 senate committee substitute for senate bill no. 577, ninety-fourth general
46 assembly, first regular session, section 217.777 as enacted by senate committee
47 substitute for senate bill no. 430, eighty-ninth general assembly, first regular
48 session, section 227.381 as enacted by house bill no. 1488, ninety-third general

49 assembly, second regular session, section 228.362 as enacted by conference
50 committee substitute for house committee substitute for senate committee
51 substitute for senate bill no. 180, eighty-seventh general assembly, first regular
52 session, section 286.060 as enacted by senate committee substitute for house
53 committee substitute for house bills nos. 300 & 95, eighty-eighth general
54 assembly, first regular session, section 301.064 as enacted by house committee
55 substitute for senate substitute for senate bill no. 3, eighty-eighth general
56 assembly, first regular session and section 301.064 as enacted by house bill no.
57 769, eighty-ninth general assembly, first regular session, section 301.630 as
58 enacted by conference committee substitute for house substitute for house
59 committee substitute for senate bill no. 895, ninety-first general assembly, second
60 regular session, section 304.156 as enacted by senate committee substitute for
61 house bill no. 996 and house bill no. 1142 and house committee substitute for
62 house bill no. 1201 and house bill no. 1489, ninety-second general assembly,
63 second regular session, section 304.678 as enacted by house committee substitute
64 for senate committee substitute for senate bill no. 372, ninety-third general
65 assembly, first regular session, section 321.701 as enacted by conference
66 committee substitute no. 2 for senate substitute no. 2 for house committee
67 substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first
68 regular session, section 321.714 as enacted by senate substitute for senate
69 committee substitute for house committee substitute for house bills nos. 452, 203,
70 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session,
71 section 324.712 as enacted by conference committee substitute for senate
72 substitute for senate committee substitute for house committee substitute for
73 house bill no. 567, ninety-first general assembly, first regular session, section
74 324.1102 as enacted by conference committee substitute no. 2 for house committee
75 substitute for senate committee substitute for senate bill no. 308, ninety-fourth
76 general assembly, first regular session, section 324.1106 as enacted by conference
77 committee substitute no. 2 for house committee substitute for senate committee
78 substitute for senate bill no. 308, ninety-fourth general assembly, first regular
79 session, section 324.1118 as enacted by conference committee substitute for
80 senate substitute for senate committee substitute for house committee substitute
81 for house bill no. 780, ninety-fourth general assembly, first regular session,
82 section 335.067 as enacted by conference committee substitute for senate
83 substitute for senate committee substitute for house committee substitute for
84 house bill no. 780, ninety-fourth general assembly, first regular session, section

85 361.170 as enacted by house committee substitute for house bill no. 379, ninety-
86 third general assembly, first regular session, section 370.107 as enacted by senate
87 bill no. 318, ninety-third general assembly, first regular session, section 376.1500
88 as enacted by senate substitute no. 2 for senate committee substitute for house
89 committee substitute for house bill no. 818, ninety-fourth general assembly, first
90 regular session, section 376.1516 as enacted by senate committee substitute for
91 senate bill no. 66, ninety-fourth general assembly, first regular session, section
92 393.906 as enacted by conference committee substitute for senate substitute for
93 senate committee substitute for house substitute for house bill no. 450, ninetieth
94 general assembly, first regular session, section 393.921 as enacted by conference
95 committee substitute for senate substitute for senate committee substitute for
96 house substitute for house bill no. 450, ninetieth general assembly, first regular
97 session, section 441.236 as enacted by house substitute for house committee
98 substitute for senate substitute for senate committee substitute for senate bills
99 nos. 89 & 37, ninety-first general assembly, first regular session, section 470.270
100 as enacted by conference committee substitute for house substitute for house
101 committee substitute for senate substitute for senate bill no. 1248, ninety-first
102 general assembly, second regular session, section 565.082 as enacted by
103 conference committee substitute for senate substitute for senate committee
104 substitute for house committee substitute for house bill no. 62, ninety-fifth
105 general assembly, first regular session, section 622.010 as enacted by house
106 committee substitute for senate bill no. 780, eighty-eighth general assembly,
107 second regular session and section 622.010 as enacted by house committee
108 substitute for house bill no. 991, eighty-eighth general assembly, second regular
109 session, section 644.031 as enacted by conference committee substitute for senate
110 substitute for senate committee substitute for house substitute for house bill no.
111 450, ninetieth general assembly, first regular session, and section 644.568 as
112 enacted by house substitute for house committee substitute for senate substitute
113 for senate committee substitute for senate bills nos. 160 & 82, ninetieth general
114 assembly, first regular session, are repealed and three new sections enacted in
115 lieu thereof, to be known as sections 135.100, 135.200, and 301.064, to read as
116 follows:

135.100. As used in sections 135.100 to 135.150 the following terms shall
2 mean:

3 (1) "Commencement of commercial operations" shall be deemed to occur
4 during the first taxable year for which the new business facility is first available

5 for use by the taxpayer, or first capable of being used by the taxpayer, in the
6 revenue-producing enterprise in which the taxpayer intends to use the new
7 business facility;

8 (2) "Existing business facility", any facility in this state which was
9 employed by the taxpayer claiming the credit in the operation of a
10 revenue-producing enterprise immediately prior to an expansion, acquisition,
11 addition, or replacement;

12 (3) "Facility", any building used as a revenue-producing enterprise located
13 within the state, including the land on which the facility is located and all
14 machinery, equipment and other real and depreciable tangible personal property
15 acquired for use at and located at or within such facility and used in connection
16 with the operation of such facility;

17 (4) **"NAICS", the North American Industrial Classification System**
18 **as such classifications are defined in the 2007 edition of the North**
19 **American Industrial Classification System;**

20 (5) "New business facility", a facility which satisfies the following
21 requirements:

22 (a) Such facility is employed by the taxpayer in the operation of a
23 revenue-producing enterprise. Such facility shall not be considered a new
24 business facility in the hands of the taxpayer if the taxpayer's only activity with
25 respect to such facility is to lease it to another person or persons. If the taxpayer
26 employs only a portion of such facility in the operation of a revenue-producing
27 enterprise, and leases another portion of such facility to another person or
28 persons or does not otherwise use such other portions in the operation of a
29 revenue-producing enterprise, the portion employed by the taxpayer in the
30 operation of a revenue-producing enterprise shall be considered a new business
31 facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision
32 are satisfied;

33 (b) Such facility is acquired by, or leased to, the taxpayer after December
34 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the
35 taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the
36 transfer of possession pursuant to a binding contract to transfer title to the
37 taxpayer, or the commencement of the term of the lease to the taxpayer occurs
38 after December 31, 1983, or, if the facility is constructed, erected or installed by
39 or on behalf of the taxpayer, such construction, erection or installation is
40 commenced after December 31, 1983;

41 (c) If such facility was acquired by the taxpayer from another person or
42 persons and such facility was employed immediately prior to the transfer of title
43 to such facility to the taxpayer, or to the commencement of the term of the lease
44 of such facility to the taxpayer, by any other person or persons in the operation
45 of a revenue-producing enterprise, the operation of the same or a substantially
46 similar revenue-producing enterprise is not continued by the taxpayer at such
47 facility;

48 (d) Such facility is not a replacement business facility, as defined in
49 subdivision [(10)] (11) of this section; and

50 (e) The new business facility investment exceeds one hundred thousand
51 dollars during the tax period in which the credits are claimed;

52 [(5)] (6) "New business facility employee", a person employed by the
53 taxpayer in the operation of a new business facility during the taxable year for
54 which the credit allowed by section 135.110 is claimed, except that truck drivers
55 and rail and barge vehicle operators shall not constitute new business facility
56 employees. A person shall be deemed to be so employed if such person performs
57 duties in connection with the operation of the new business facility on:

58 (a) A regular, full-time basis; or

59 (b) A part-time basis, provided such person is customarily performing
60 such duties an average of at least twenty hours per week; or

61 (c) A seasonal basis, provided such person performs such duties for at
62 least eighty percent of the season customary for the position in which such person
63 is employed;

64 [(6)] (7) "New business facility income", the Missouri taxable income, as
65 defined in chapter 143, RSMo, derived by the taxpayer from the operation of the
66 new business facility. For the purpose of apportionment as prescribed in this
67 subdivision, the term "Missouri taxable income" means, in the case of insurance
68 companies, direct premiums as defined in chapter 148, RSMo. If a taxpayer has
69 income derived from the operation of a new business facility as well as from other
70 activities conducted within this state, the Missouri taxable income derived by the
71 taxpayer from the operation of the new business facility shall be determined by
72 multiplying the taxpayer's Missouri taxable income, computed in accordance with
73 chapter 143, RSMo, or in the case of an insurance company, computed in
74 accordance with chapter 148, RSMo, by a fraction, the numerator of which is the
75 property factor, as defined in paragraph (a) of this subdivision, plus the payroll
76 factor, as defined in paragraph (b) of this subdivision, and the denominator of

77 which is two:

78 (a) The property factor is a fraction, the numerator of which is the new
79 business facility investment certified for the tax period, and the denominator of
80 which is the average value of all the taxpayer's real and depreciable tangible
81 personal property owned or rented and used in this state during the tax
82 period. The average value of all such property shall be determined as provided
83 in chapter 32, RSMo;

84 (b) The payroll factor is a fraction, the numerator of which is the total
85 amount paid during the tax period by the taxpayer for compensation to persons
86 qualifying as new business facility employees, as determined by subsection 4 of
87 section 135.110, at the new business facility, and the denominator of which is the
88 total amount paid in this state during the tax period by the taxpayer for
89 compensation. The compensation paid in this state shall be determined as
90 provided in chapter 32, RSMo. For the purpose of this subdivision, "other
91 activities conducted within this state" shall include activities previously
92 conducted at the expanded, acquired or replaced facility at any time during the
93 tax period immediately prior to the tax period in which commencement of
94 commercial operations occurred;

95 [(7)] (8) "New business facility investment", the value of real and
96 depreciable tangible personal property, acquired by the taxpayer as part of the
97 new business facility, which is used by the taxpayer in the operation of the new
98 business facility, during the taxable year for which the credit allowed by section
99 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail
100 vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches,
101 barges, bridges, tunnels and rail yards and spurs shall not constitute new
102 business facility investments. The total value of such property during such
103 taxable year shall be:

104 (a) Its original cost if owned by the taxpayer; or

105 (b) Eight times the net annual rental rate, if leased by the taxpayer. The
106 net annual rental rate shall be the annual rental rate paid by the taxpayer less
107 any annual rental rate received by the taxpayer from subrentals.

108 The new business facility investment shall be determined by dividing by twelve
109 the sum of the total value of such property on the last business day of each
110 calendar month of the taxable year. If the new business facility is in operation
111 for less than an entire taxable year, the new business facility investment shall
112 be determined by dividing the sum of the total value of such property on the last

113 business day of each full calendar month during the portion of such taxable year
114 during which the new business facility was in operation by the number of full
115 calendar months during such period;

116 ~~[(8)]~~ **(9)** "Office", a regional, national or international headquarters, a
117 telemarketing operation, a computer operation, an insurance company, a
118 passenger transportation ticket/reservation system or a credit card billing and
119 processing center. For the purposes of this subdivision, "headquarters" means the
120 administrative management of at least four integrated facilities operated by the
121 taxpayer or related taxpayer. An office, as defined in this subdivision, when
122 established must create and maintain positions for a minimum number of
123 twenty-five new business facility employees as defined in subdivision ~~[(5)]~~ **(6)** of
124 this section;

125 ~~[(9)]~~ **(10)** "Related taxpayer" shall mean:

126 (a) A corporation, partnership, trust or association controlled by the
127 taxpayer;

128 (b) An individual, corporation, partnership, trust or association in control
129 of the taxpayer; or

130 (c) A corporation, partnership, trust or association controlled by an
131 individual, corporation, partnership, trust or association in control of the
132 taxpayer. For the purposes of sections 135.100 to 135.150, "control of a
133 corporation" shall mean ownership, directly or indirectly, of stock possessing at
134 least fifty percent of the total combined voting power of all classes of stock
135 entitled to vote; "control of a partnership or association" shall mean ownership
136 of at least fifty percent of the capital or profits interest in such partnership or
137 association; and "control of a trust" shall mean ownership, directly or indirectly,
138 of at least fifty percent of the beneficial interest in the principal or income of such
139 trust; ownership shall be determined as provided in Section 318 of the U.S.
140 Internal Revenue Code;

141 ~~[(10)]~~ **(11)** "Replacement business facility", a facility otherwise described
142 in subdivision ~~[(4)]~~ **(3)** of this section, hereafter referred to in this subdivision as
143 "new facility", which replaces another facility, hereafter referred to in this
144 subdivision as "old facility", located within the state, which the taxpayer or a
145 related taxpayer previously operated but discontinued operating on or before the
146 close of the first taxable year in which the credit allowed by this section is
147 claimed. A new facility shall be deemed to replace an old facility if the following
148 conditions are met:

149 (a) The old facility was operated by the taxpayer or a related taxpayer
150 during the taxpayer's or related taxpayer's taxable period immediately preceding
151 the taxable year in which commencement of commercial operations occurs at the
152 new facility; and

153 (b) The old facility was employed by the taxpayer or a related taxpayer
154 in the operation of a revenue-producing enterprise and the taxpayer continues the
155 operation of the same or substantially similar revenue-producing enterprise at the
156 new facility. Notwithstanding the preceding provisions of this subdivision, a
157 facility shall not be considered a replacement business facility if the taxpayer's
158 new business facility investment, as computed in subsection 5 of section 135.110,
159 in the new facility during the tax period in which the credits allowed in sections
160 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are
161 claimed exceed one million dollars or, if less, two hundred percent of the
162 investment in the old facility by the taxpayer or related taxpayer, and if the total
163 number of employees at the new facility exceeds the total number of employees
164 at the old facility by at least two except that the total number of employees at the
165 new facility exceeds the total number of employees at the old facility by at least
166 twenty-five if an office as defined in subdivision [(8)] (9) of this section is
167 established by a revenue-producing enterprise other than a revenue-producing
168 enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision [(11)] (12)
169 of this section;

170 [(11)] (12) "Revenue-producing enterprise" means:

171 (a) Manufacturing activities classified as [SICs 20 through 39] NAICS 31-
172 33;

173 (b) Agricultural activities classified as [SIC 025] NAICS 11;

174 (c) Rail transportation terminal activities classified as [SIC 4013] NAICS
175 482;

176 (d) Motor freight transportation terminal activities classified as [SIC
177 4231] NAICS 484 and NAICS 4884;

178 (e) Public warehousing and storage activities classified as [SICs 422 and
179 423 except SIC 4221] NAICS 493, miniwarehouse warehousing and warehousing
180 self-storage;

181 (f) Water transportation terminal activities classified as [SIC 4491]
182 NAICS 4832;

183 (g) Airports, flying fields, and airport terminal services classified as [SIC
184 4581] NAICS 481;

- 185 (h) Wholesale trade activities classified as [SICs 50 and 51] **NAICS 42**;
186 (i) Insurance carriers activities classified as [SICs 631, 632 and 633]
187 **NAICS 524**;
188 (j) Research and development activities classified as [SIC 873, except
189 8733] **NAICS 5417**;
190 (k) Farm implement dealer activities classified as [SIC 5999] **NAICS**
191 **42382**;
192 (l) Interexchange telecommunications services as defined in subdivision
193 (20) of section 386.020, RSMo, or training activities conducted by an
194 interexchange telecommunications company as defined in subdivision (19) of
195 section 386.020, RSMo;
196 (m) Recycling activities classified as [SIC 5093] **NAICS 42393**;
197 (n) Office activities as defined in subdivision [(8)] **(9)** of this section,
198 notwithstanding [SIC] **NAICS** classification;
199 (o) Mining activities classified as [SICs 10 through 14] **NAICS 21**;
200 (p) Computer programming, data processing and other computer-related
201 activities classified as [SIC 737] **NAICS 5415**;
202 (q) The administrative management of any of the foregoing activities; or
203 (r) Any combination of any of the foregoing activities;
204 [(12)] **(13)** "Same or substantially similar revenue-producing enterprise",
205 a revenue-producing enterprise in which the nature of the products produced or
206 sold, or activities conducted, are similar in character and use or are produced,
207 sold, performed or conducted in the same or similar manner as in another
208 revenue-producing enterprise;
209 [(13) "SIC", the standard industrial classification as such classifications
210 are defined in the 1987 edition of the Standard Industrial Classification Manual
211 as prepared by the Executive Office of the President, Office of Management and
212 Budget;]
213 (14) "Taxpayer", an individual proprietorship, corporation described in
214 section 143.441 or 143.471, RSMo, and partnership or an insurance company
215 subject to the tax imposed by chapter 148, RSMo, or in the case of an insurance
216 company exempt from the thirty-percent employee requirement of section 135.230,
217 to any obligation imposed pursuant to section 375.916, RSMo.

[135.100. As used in sections 135.100 to 135.150 the

2 following terms shall mean:

3 (1) "Commencement of commercial operations" shall be

4 deemed to occur during the first taxable year for which the new
5 business facility is first available for use by the taxpayer, or first
6 capable of being used by the taxpayer, in the revenue-producing
7 enterprise in which the taxpayer intends to use the new business
8 facility;

9 (2) "Existing business facility", any facility in this state
10 which was employed by the taxpayer claiming the credit in the
11 operation of a revenue-producing enterprise immediately prior to
12 an expansion, acquisition, addition, or replacement;

13 (3) "Facility", any building used as a revenue-producing
14 enterprise located within the state, including the land on which the
15 facility is located and all machinery, equipment and other real and
16 depreciable tangible personal property acquired for use at and
17 located at or within such facility and used in connection with the
18 operation of such facility;

19 (4) "New business facility", a facility which satisfies the
20 following requirements:

21 (a) Such facility is employed by the taxpayer in the
22 operation of a revenue-producing enterprise. Such facility shall not
23 be considered a new business facility in the hands of the taxpayer
24 if the taxpayer's only activity with respect to such facility is to
25 lease it to another person or persons. If the taxpayer employs only
26 a portion of such facility in the operation of a revenue-producing
27 enterprise, and leases another portion of such facility to another
28 person or persons or does not otherwise use such other portions in
29 the operation of a revenue-producing enterprise, the portion
30 employed by the taxpayer in the operation of a revenue-producing
31 enterprise shall be considered a new business facility, if the
32 requirements of paragraphs (b), (c), (d) and (e) of this subdivision
33 are satisfied;

34 (b) Such facility is acquired by, or leased to, the taxpayer
35 after December 31, 1983. A facility shall be deemed to have been
36 acquired by, or leased to, the taxpayer after December 31, 1983, if
37 the transfer of title to the taxpayer, the transfer of possession
38 pursuant to a binding contract to transfer title to the taxpayer, or
39 the commencement of the term of the lease to the taxpayer occurs

40 after December 31, 1983, or, if the facility is constructed, erected
41 or installed by or on behalf of the taxpayer, such construction,
42 erection or installation is commenced after December 31, 1983;

43 (c) If such facility was acquired by the taxpayer from
44 another person or persons and such facility was employed
45 immediately prior to the transfer of title to such facility to the
46 taxpayer, or to the commencement of the term of the lease of such
47 facility to the taxpayer, by any other person or persons in the
48 operation of a revenue-producing enterprise, the operation of the
49 same or a substantially similar revenue-producing enterprise is not
50 continued by the taxpayer at such facility;

51 (d) Such facility is not a replacement business facility, as
52 defined in subdivision (10) of this section; and

53 (e) The new business facility investment exceeds one
54 hundred thousand dollars during the tax period in which the
55 credits are claimed;

56 (5) "New business facility employee", a person employed by
57 the taxpayer in the operation of a new business facility during the
58 taxable year for which the credit allowed by section 135.110 is
59 claimed, except that truck drivers and rail and barge vehicle
60 operators shall not constitute new business facility employees. A
61 person shall be deemed to be so employed if such person performs
62 duties in connection with the operation of the new business facility
63 on:

64 (a) A regular, full-time basis; or

65 (b) A part-time basis, provided such person is customarily
66 performing such duties an average of at least twenty hours per
67 week; or

68 (c) A seasonal basis, provided such person performs such
69 duties for at least eighty percent of the season customary for the
70 position in which such person is employed;

71 (6) "New business facility income", the Missouri taxable
72 income, as defined in chapter 143, RSMo, derived by the taxpayer
73 from the operation of the new business facility. For the purpose of
74 apportionment as prescribed in this subdivision, the term "Missouri
75 taxable income" means, in the case of insurance companies, direct

76 premiums as defined in chapter 148, RSMo. If a taxpayer has
77 income derived from the operation of a new business facility as well
78 as from other activities conducted within this state, the Missouri
79 taxable income derived by the taxpayer from the operation of the
80 new business facility shall be determined by multiplying the
81 taxpayer's Missouri taxable income, computed in accordance with
82 chapter 143, RSMo, or in the case of an insurance company,
83 computed in accordance with chapter 148, RSMo, by a fraction, the
84 numerator of which is the property factor, as defined in paragraph
85 (a) of this subdivision, plus the payroll factor, as defined in
86 paragraph (b) of this subdivision, and the denominator of which is
87 two:

88 (a) The "property factor" is a fraction, the numerator of
89 which is the new business facility investment certified for the tax
90 period, and the denominator of which is the average value of all the
91 taxpayer's real and depreciable tangible personal property owned
92 or rented and used in this state during the tax period. The average
93 value of all such property shall be determined as provided in
94 chapter 32, RSMo;

95 (b) The "payroll factor" is a fraction, the numerator of which
96 is the total amount paid during the tax period by the taxpayer for
97 compensation to persons qualifying as new business facility
98 employees, as determined by subsection 4 of section 135.110, at the
99 new business facility, and the denominator of which is the total
100 amount paid in this state during the tax period by the taxpayer for
101 compensation. The compensation paid in this state shall be
102 determined as provided in chapter 32, RSMo. For the purpose of
103 this subdivision, "other activities conducted within this state" shall
104 include activities previously conducted at the expanded, acquired
105 or replaced facility at any time during the tax period immediately
106 prior to the tax period in which commencement of commercial
107 operations occurred;

108 (7) "New business facility investment", the value of real and
109 depreciable tangible personal property, acquired by the taxpayer as
110 part of the new business facility, which is used by the taxpayer in
111 the operation of the new business facility, during the taxable year

112 for which the credit allowed by section 135.110 is claimed, except
113 that trucks, truck-trailers, truck semitrailers, rail and barge
114 vehicles and other rolling stock for hire, track, switches, barges,
115 bridges, tunnels and rail yards and spurs shall not constitute new
116 business facility investments. The total value of such property
117 during such taxable year shall be:

118 (a) Its original cost if owned by the taxpayer; or

119 (b) Eight times the net annual rental rate, if leased by the
120 taxpayer. The net annual rental rate shall be the annual rental
121 rate paid by the taxpayer less any annual rental rate received by
122 the taxpayer from subrentals. The new business facility
123 investment shall be determined by dividing by twelve the sum of
124 the total value of such property on the last business day of each
125 calendar month of the taxable year. If the new business facility is
126 in operation for less than an entire taxable year, the new business
127 facility investment shall be determined by dividing the sum of the
128 total value of such property on the last business day of each full
129 calendar month during the portion of such taxable year during
130 which the new business facility was in operation by the number of
131 full calendar months during such period;

132 (8) "Office", a regional, national or international
133 headquarters, a telemarketing operation, an insurance company, a
134 passenger transportation ticket/reservation system or a credit card
135 billing and processing center. For the purposes of this subdivision,
136 "headquarters" means the administrative management of at least
137 four integrated facilities operated by the taxpayer or related
138 taxpayer. An office, as defined in this subdivision, when
139 established must create and maintain positions for a minimum
140 number of twenty-five new business facility employees as defined
141 in subdivision (5) of this section;

142 (9) "Related taxpayer" shall mean:

143 (a) A corporation, partnership, trust or association
144 controlled by the taxpayer;

145 (b) An individual, corporation, partnership, trust or
146 association in control of the taxpayer; or

147 (c) A corporation, partnership, trust or association

148 controlled by an individual, corporation, partnership, trust or
149 association in control of the taxpayer. For the purposes of sections
150 135.100 to 135.150, "control of a corporation" shall mean
151 ownership, directly or indirectly, of stock possessing at least fifty
152 percent of the total combined voting power of all classes of stock
153 entitled to vote; "control of a partnership or association" shall mean
154 ownership of at least fifty percent of the capital or profits interest
155 in such partnership or association; and "control of a trust" shall
156 mean ownership, directly or indirectly, of at least fifty percent of
157 the beneficial interest in the principal or income of such trust;
158 ownership shall be determined as provided in Section 318 of the
159 U.S. Internal Revenue Code;

160 (10) "Replacement business facility", a facility otherwise
161 described in subdivision (4) of this section, hereafter referred to in
162 this subdivision as "new facility", which replaces another facility,
163 hereafter referred to in this subdivision as "old facility", located
164 within the state, which the taxpayer or a related taxpayer
165 previously operated but discontinued operating on or before the
166 close of the first taxable year in which the credit allowed by this
167 section is claimed. A new facility shall be deemed to replace an old
168 facility if the following conditions are met:

169 (a) The old facility was operated by the taxpayer or a
170 related taxpayer during the taxpayer's or related taxpayer's taxable
171 period immediately preceding the taxable year in which
172 commencement of commercial operations occurs at the new facility;
173 and

174 (b) The old facility was employed by the taxpayer or a
175 related taxpayer in the operation of a revenue-producing enterprise
176 and the taxpayer continues the operation of the same or
177 substantially similar revenue-producing enterprise at the new
178 facility. Notwithstanding the preceding provisions of this
179 subdivision, a facility shall not be considered a replacement
180 business facility if the taxpayer's new business facility investment,
181 as computed in subsection 5 of section 135.110, in the new facility
182 during the tax period in which the credits allowed in sections
183 135.110, 135.225 and 135.235 and the exemption allowed in section

184 135.220 are claimed exceed one million dollars or, if less, two
185 hundred percent of the investment in the old facility by the
186 taxpayer or related taxpayer, and if the total number of employees
187 at the new facility exceeds the total number of employees at the old
188 facility by at least two except that the total number of employees
189 at the new facility exceeds the total number of employees at the old
190 facility by at least twenty-five if an office as defined in subdivision
191 (8) of this section is established by a revenue-producing enterprise
192 other than a revenue-producing enterprise defined in paragraphs
193 (a) to (g) and (i) to (l) of subdivision (11) of this section;

194 (11) "Revenue-producing enterprise" means:

195 (a) Manufacturing activities classified as SICs 20 through
196 39;

197 (b) Agricultural activities classified as SIC 025;

198 (c) Rail transportation terminal activities classified as SIC
199 4013;

200 (d) Motor freight transportation terminal activities
201 classified as SIC 4231;

202 (e) Public warehousing and storage activities classified as
203 SICs 422 and 423 except SIC 4221, miniwarehouse warehousing
204 and warehousing self-storage;

205 (f) Water transportation terminal activities classified as
206 SIC 4491;

207 (g) Wholesale trade activities classified as SICs 50 and 51;

208 (h) Insurance carriers activities classified as SICs 631, 632
209 and 633;

210 (i) Research and development activities classified as SIC
211 873, except 8733;

212 (j) Farm implement dealer activities classified as SIC 5999;

213 (k) Interexchange telecommunications services as defined
214 in subdivision (24) or local exchange telecommunications services
215 as defined in subdivision (31) of section 386.020, RSMo, or training
216 activities conducted by an interexchange telecommunications
217 company or by a local exchange telecommunications company as
218 defined in subdivisions (23) and (30) of section 386.020, RSMo;

219 (l) Recycling activities classified as SIC 5093;

220 (m) Office activities as defined in subdivision (8) of this
221 section, notwithstanding SIC classification;

222 (n) Mining activities classified as SICs 10 through 14;

223 (o) Computer programming, data processing and other
224 computer-related activities classified as SIC 737;

225 (p) The administrative management of any of the foregoing
226 activities; or

227 (q) Any combination of any of the foregoing activities;

228 (12) "Same or substantially similar revenue-producing
229 enterprise", a revenue-producing enterprise in which the nature of
230 the products produced or sold, or activities conducted, are similar
231 in character and use or are produced, sold, performed or conducted
232 in the same or similar manner as in another revenue-producing
233 enterprise;

234 (13) "SIC", the primary standard industrial classification as
235 such classifications are defined in the 1987 edition of the Standard
236 Industrial Classification Manual as prepared by the Executive
237 Office of the President, Office of Management and Budget. For the
238 purpose of this subdivision, "primary" means at least fifty percent
239 of the activities so classified are performed at the new business
240 facility during the taxpayer's tax period in which such tax credits
241 are being claimed;

242 (14) "Taxpayer", an individual proprietorship, corporation
243 described in section 143.441 or 143.471, RSMo, and partnership or
244 an insurance company subject to the tax imposed by chapter 148,
245 RSMo, or in the case of an insurance company exempt from the
246 thirty percent employee requirement of section 135.230, to any
247 obligation imposed pursuant to section 375.916, RSMo.]

135.200. The following terms, whenever used in sections 135.200 to
2 135.256, mean:

3 (1) "Department", the department of economic development;

4 (2) "Director", the director of the department of economic development;

5 (3) "Facility", any building used as a revenue-producing enterprise located
6 within an enterprise zone, including the land on which the facility is located and
7 all machinery, equipment and other real and depreciable tangible personal
8 property acquired for use at and located at or within such facility and used in

9 connection with the operation of such facility;

10 (4) "Governing authority", the body holding primary legislative authority
11 over a county or incorporated municipality;

12 (5) **"NAICS", the North American Industrial Classification System**
13 **as such classifications are defined in the 2007 edition of the North**
14 **American Industrial Classification System;**

15 (6) "New business facility" shall have the meaning defined in section
16 135.100, except that the term "lease" as used therein shall not include the leasing
17 of property defined in paragraph (d) of subdivision [(6)] (7) of this section;

18 [(6)] (7) "Revenue-producing enterprise", means:

19 (a) Manufacturing activities classified as [SICs 20 through 39] **NAICS 31-**
20 **33;**

21 (b) Agricultural activities classified as [SIC 025] **NAICS 11;**

22 (c) Rail transportation terminal activities classified as [SIC 4013] **NAICS**
23 **482;**

24 (d) Renting or leasing of residential property to low- and moderate-income
25 persons as defined in federal law, 42 U.S.C. 5302(a)(20);

26 (e) Motor freight transportation terminal activities classified as [SIC
27 4231] **NAICS 484 and NAICS 4484;**

28 (f) Public warehousing and storage activities classified as [SICs 422 and
29 423 except SIC 4221] **NAICS 493**, miniwarehouse warehousing and warehousing
30 self-storage;

31 (g) Water transportation terminal activities classified as [SIC 4491]
32 **NAICS 4832;**

33 (h) Airports, flying fields, and airport terminal services classified as [SIC
34 4581] **NAICS 481;**

35 (i) Wholesale trade activities classified as [SICs 50 and 51] **NAICS 42;**

36 (j) Insurance carriers activities classified as [SICs 631, 632 and 633]
37 **NAICS 524;**

38 (k) Research and development activities classified as [SIC 873, except
39 8733] **NAICS 5417;**

40 (l) Farm implement dealer activities classified as [SIC 5999] **NAICS**
41 **42382;**

42 (m) Employment agency activities classified as [SIC 7361] **NAICS 5613;**

43 (n) Computer programming, data processing and other computer-related
44 activities classified as [SIC 737] **NAICS 518;**

45 (o) Health service activities classified as [SICs 801, 802, 803, 804, 806,
46 807, 8092 and 8093] **NAICS 621, 622, and 623**;

47 (p) Interexchange telecommunications as defined in subdivision (20) of
48 section 386.020, RSMo, or training activities conducted by an interexchange
49 telecommunications company as defined in subdivision (19) of section 386.020,
50 RSMo;

51 (q) Recycling activities classified as [SIC 5093] **NAICS 42393**;

52 (r) Banking activities classified as [SICs 602 and 603] **NAICS 522**;

53 (s) Office activities as defined in subdivision (8) of section 135.100,
54 notwithstanding [SIC] **NAICS** classification;

55 (t) Mining activities classified as [SICs 10 through 14] **NAICS 21**;

56 (u) The administrative management of any of the foregoing activities; or

57 (v) Any combination of any of the foregoing activities;

58 [(7)] **(8)** "Satellite zone", a noncontiguous addition to an existing state
59 designated enterprise zone[;

60 (8) "SIC", the standard industrial classification as such classifications are
61 defined in the 1987 edition of the Standard Industrial Classification Manual as
62 prepared by the Executive Office of the President, Office of Management and
63 Budget].

[135.200. The following terms, whenever used in sections
2 135.200 to 135.256, mean:

3 (1) "Department", the department of economic development;

4 (2) "Director", the director of the department of economic
5 development;

6 (3) "Facility", any building used as a revenue-producing
7 enterprise located within an enterprise zone, including the land on
8 which the facility is located and all machinery, equipment and
9 other real and depreciable tangible personal property acquired for
10 use at and located at or within such facility and used in connection
11 with the operation of such facility;

12 (4) "Governing authority", the body holding primary
13 legislative authority over a county or incorporated municipality;

14 (5) "New business facility" shall have the meaning defined
15 in section 135.100, except that the term "lease" as used therein
16 shall not include the leasing of property defined in paragraph (d)
17 of subdivision (6) of this section;

- 18 (6) "Revenue-producing enterprise", means:
- 19 (a) Manufacturing activities classified as SICs 20 through
- 20 39;
- 21 (b) Agricultural activities classified as SIC 025;
- 22 (c) Rail transportation terminal activities classified as SIC
- 23 4013;
- 24 (d) Renting or leasing of residential property to low and
- 25 moderate income persons as defined in federal law, 42 U.S.C.
- 26 5302(a)(20);
- 27 (e) Motor freight transportation terminal activities
- 28 classified as SIC 4231;
- 29 (f) Public warehousing and storage activities classified as
- 30 SICs 422 and 423 except SIC 4221, miniwarehouse warehousing
- 31 and warehousing self-storage;
- 32 (g) Water transportation terminal activities classified as
- 33 SIC 4491;
- 34 (h) Wholesale trade activities classified as SICs 50 and 51;
- 35 (i) Insurance carriers activities classified as SICs 631, 632
- 36 and 633;
- 37 (j) Research and development activities classified as SIC
- 38 873, except 8733;
- 39 (k) Farm implement dealer activities classified as SIC 5999;
- 40 (l) Employment agency activities classified as SIC 7361;
- 41 (m) Computer programming, data processing and other
- 42 computer-related activities classified as SIC 737;
- 43 (n) Health service activities classified as SICs 801, 802,
- 44 803, 804, 806, 807, 8092 and 8093;
- 45 (o) Interexchange telecommunications as defined in
- 46 subdivision (20) of section 386.020, RSMo, or training activities
- 47 conducted by an interexchange telecommunications company as
- 48 defined in subdivision (19) of section 386.020, RSMo;
- 49 (p) Recycling activities classified as SIC 5093;
- 50 (q) Banking activities classified as SICs 602 and 603;
- 51 (r) Office activities as defined in subdivision (8) of section
- 52 135.100, notwithstanding SIC classification;
- 53 (s) Mining activities classified as SICs 10 through 14;

54 (t) The administrative management of any of the foregoing
55 activities; or

56 (u) Any combination of any of the foregoing activities;

57 (7) "Satellite zone", a noncontiguous addition to an existing
58 state designated enterprise zone;

59 (8) "SIC", the primary standard industrial classification as
60 such classifications are defined in the 1987 edition of the Standard
61 Industrial Classification Manual as prepared by the Executive
62 Office of the President, Office of Management and Budget. For the
63 purpose of this subdivision, "primary" means at least fifty percent
64 of the activities so classified are performed at the new business
65 facility during the taxpayer's tax period in which such tax credits
66 are being claimed.]

[135.200. The following terms, whenever used in sections
2 135.200 to 135.256, mean:

3 (1) "Department", the department of economic development;

4 (2) "Director", the director of the department of economic
5 development;

6 (3) "Facility", any building used as a revenue-producing
7 enterprise located within an enterprise zone, including the land on
8 which the facility is located and all machinery, equipment and
9 other real and depreciable tangible personal property acquired for
10 use at and located at or within such facility and used in connection
11 with the operation of such facility;

12 (4) "Governing authority", the body holding primary
13 legislative authority over a county or incorporated municipality;

14 (5) "New business facility" shall have the meaning defined
15 in section 135.100, except that the term "lease" as used therein
16 shall not include the leasing of property defined in paragraph (d)
17 of subdivision (6) of this section;

18 (6) "Revenue-producing enterprise" means:

19 (a) Manufacturing activities classified as SICs 20 through
20 39;

21 (b) Agricultural activities classified as SIC 025;

22 (c) Rail transportation terminal activities classified as SIC
23 4013;

24 (d) Renting or leasing of residential property to low and
25 moderate income persons as defined in federal law, 42 U.S.C.
26 5302(a)(20);

27 (e) Motor freight transportation terminal activities
28 classified as SIC 4231;

29 (f) Public warehousing and storage activities classified as
30 SICs 422 and 423 except SIC 4221, miniwarehouse warehousing
31 and warehousing self-storage;

32 (g) Water transportation terminal activities classified as
33 SIC 4491;

34 (h) Wholesale trade activities classified as SICs 50 and 51;

35 (i) Insurance carriers activities classified as SICs 631, 632
36 and 633;

37 (j) Research and development activities classified as SIC
38 873, except 8733;

39 (k) Farm implement dealer activities classified as SIC 5999;

40 (l) Employment agency activities classified as SIC 7361;

41 (m) Computer programming, data processing and other
42 computer-related activities classified as SIC 737;

43 (n) Health service activities classified as SICs 801, 802,
44 803, 804, 806, 807, 8092 and 8093;

45 (o) Interexchange telecommunications as defined in
46 subdivision (20) of section 386.020, RSMo, or training activities
47 conducted by an interexchange telecommunications company as
48 defined in subdivision (19) of section 386.020, RSMo;

49 (p) Recycling activities classified as SIC 5093;

50 (q) Banking activities classified as SICs 602 and 603;

51 (r) Office activities as defined in subdivision (8) of section
52 135.100, notwithstanding SIC classification;

53 (s) Mining activities classified as SICs 10 through 14;

54 (t) Photofinishing laboratory activities classified in SIC
55 7384 and microfilm recording and developing services as contained
56 in SIC classification 7389, provided that each such
57 revenue-producing enterprise employs a minimum of one hundred
58 employees at a single business facility;

59 (u) The administrative management of any of the foregoing

60 activities; or

61 (v) Any combination of any of the foregoing activities;

62 (7) "Satellite zone", a noncontiguous addition to an existing
63 state designated enterprise zone;

64 (8) "SIC", the standard industrial classification as such
65 classifications are defined in the 1987 edition of the Standard
66 Industrial Classification Manual as prepared by the Executive
67 Office of the President, Office of Management and Budget.]

[301.064. 1. The annual registration fee for a land
2 improvement contractors' commercial motor vehicle is three
3 hundred and fifty dollars. The maximum gross weight for which
4 such a vehicle may be registered is seventy-three thousand two
5 hundred and eighty pounds. Transporting for hire by such a motor
6 vehicle is prohibited.

7 2. Upon application to the director of revenue accompanied
8 by an affidavit signed by the owner or owners stating that the
9 motor vehicle to be licensed as a land improvement contractors'
10 commercial motor vehicle shall not be operated in any manner
11 other than as prescribed in section 301.010, and by the amount of
12 the registration fee prescribed in subsection 1 of this section, and
13 otherwise complying with the laws relating to the registration and
14 licensing of motor vehicles, the owner or owners shall be issued a
15 distinctive set of land improvement contractors' license plates. The
16 director of revenue shall by regulation determine the characteristic
17 features of land improvement contractors' license plates so that
18 they may be readily identified as such.]

301.064. 1. The annual registration fee for a land improvement
2 contractors' commercial motor vehicle is three hundred and fifty dollars. The
3 maximum gross weight for which such a vehicle may be registered is eighty
4 thousand pounds. Transporting for hire by such a motor vehicle is prohibited.

5 2. Upon application to the director of revenue accompanied by an affidavit
6 signed by the owner or owners stating that the motor vehicle to be licensed as a
7 land improvement contractors' commercial motor vehicle shall not be operated in
8 any manner other than as prescribed in section 301.010, and by the amount of the
9 registration fee prescribed above, and otherwise complying with the laws relating
10 to the registration and licensing of motor vehicles, the owner or owners shall be

11 issued a set of land improvement contractors' license plates. [The advisory
12 committee established in section 301.129 shall determine the characteristic
13 features of land improvement contractors' license plates so that they may be
14 readily identified as such, except that such license plates shall be made with fully
15 reflective material with a common color scheme and design, shall be clearly
16 visible at night, and shall be aesthetically attractive, as prescribed by section
17 301.130. Any rule or portion of a rule promulgated pursuant to sections 301.010,
18 301.057, 301.058, and 301.064 may be suspended by the committee on
19 administrative rules until such time as the general assembly may by concurrent
20 resolution reinstate such rule] **The director of revenue shall by regulation**
21 **determine the characteristic features of land improvement contractors'**
22 **license plates so that they may be readily identified as such.**

[32.125. 1. No rule or portion of a rule promulgated under
2 the authority of this chapter or any provisions of any other chapter
3 by the department of revenue shall become effective until it has
4 been approved by the joint committee on administrative rules in
5 accordance with the procedures provided herein, and the delegation
6 of the legislative authority to enact law by the adoption of such
7 rules is dependent upon the power of the joint committee on
8 administrative rules to review and suspend rules pending
9 ratification by the senate and the house of representatives as
10 provided herein.

11 2. Upon filing any proposed rule with the secretary of state,
12 the department of revenue shall concurrently submit such proposed
13 rule to the committee, which may hold hearings upon any proposed
14 rule or portion thereof at any time.

15 3. A final order of rulemaking shall not be filed with the
16 secretary of state until thirty days after such final order of
17 rulemaking has been received by the committee. The committee
18 may hold one or more hearings upon such final order of rulemaking
19 during the thirty-day period. If the committee does not disapprove
20 such order of rulemaking within the thirty-day period, the
21 department of revenue may file such order of rulemaking with the
22 secretary of state and the order of rulemaking shall be deemed
23 approved.

24 4. The committee may, by majority vote of the members,

25 suspend the order of rulemaking or portion thereof by action taken
26 prior to the filing of the final order of rulemaking only for one or
27 more of the following grounds:

28 (1) An absence of statutory authority for the proposed rule;

29 (2) An emergency relating to public health, safety or
30 welfare;

31 (3) The proposed rule is in conflict with state law;

32 (4) A substantial change in circumstance since enactment
33 of the law upon which the proposed rule is based.

34 5. If the committee disapproves any rule or portion thereof,
35 the department of revenue shall not file such disapproved portion
36 of any rule with the secretary of state and the secretary of state
37 shall not publish in the Missouri Register any final order of
38 rulemaking containing the disapproved portion.

39 6. If the committee disapproves any rule or portion thereof,
40 the committee shall report its findings to the senate and the house
41 of representatives. No rule or portion thereof disapproved by the
42 committee shall take effect so long as the senate and the house of
43 representatives ratify the act of the joint committee by resolution
44 adopted in each house within thirty legislative days after such rule
45 or portion thereof has been disapproved by the joint committee.

46 7. Upon adoption of a rule as provided herein, any such rule
47 or portion thereof may be suspended or revoked by the general
48 assembly either by bill or, pursuant to section 8, article IV of the
49 constitution, by concurrent resolution upon recommendation of the
50 joint committee on administrative rules. The committee shall be
51 authorized to hold hearings and make recommendations pursuant
52 to the provisions of section 536.037, RSMo. The secretary of state
53 shall publish in the Missouri Register, as soon as practicable,
54 notice of the suspension or revocation.]

2 [52.315. 1. The two-sevenths collected to fund the tax
3 maintenance fund under subdivision (1) of section 52.290 and all
4 moneys collected to fund the tax maintenance fund under
5 subdivision (2) of section 52.290 shall be transmitted monthly for
6 deposit into the tax maintenance fund and used for additional
administration and operation costs for the office of collector. Any

7 costs shall include, but shall not be limited to, those costs that
8 require any additional out-of-pocket expense by the office of
9 collector and it may include reimbursement to county general
10 revenue for the salaries of employees of the office of collector for
11 hours worked and any other expenses necessary to conduct and
12 execute the duties and responsibilities of such office.

13 2. The tax maintenance fund may also be used by the
14 collector for training, purchasing new or upgrading information
15 technology, equipment or other essential administrative expenses
16 necessary to carry out the duties and responsibilities of the office
17 of collector, including anything necessarily pertaining thereto.

18 3. The collector has the sole responsibility for all
19 expenditures made from the tax maintenance fund and shall
20 approve all expenditures from such fund. All such expenditures
21 from the tax maintenance fund shall not be used to substitute for
22 or subsidize any allocation of county general revenue for the
23 operation of the office of collector.

24 4. The tax maintenance fund may be audited by the
25 appropriate auditing agency. Any unexpended balance shall be left
26 in the tax maintenance fund, to accumulate from year to year with
27 interest.]

[67.281. On or before the date of entering into a purchase
2 contract, any builder of single-family dwellings or residences or
3 multifamily dwellings of four or fewer units shall offer to any
4 purchaser the option to install or equip such dwellings or
5 residences with a fire sprinkler system at the purchaser's cost.
6 Notwithstanding any other provision of law to the contrary, no
7 code, order, ordinance, rule, regulation, or resolution adopted by
8 any political subdivision shall be construed to deny any purchaser
9 of any such dwelling or residence the option to choose or decline
10 the installation or equipping of such dwelling or residence with a
11 fire sprinkler system. Any code, order, ordinance, rule, regulation,
12 or resolution adopted by any political subdivision shall include a
13 provision requiring each builder to provide each purchaser of any
14 such dwelling or residence with the option of purchasing a fire
15 sprinkler system for such dwelling or residence. This section shall

16 expire on December 31, 2011.]

2 [67.1305. 1. As used in this section, the term "city" shall
3 mean any incorporated city, town, or village.

4 2. In lieu of the sales taxes authorized under sections
5 67.1300 and 67.1303, the governing body of any city or county may
6 impose, by order or ordinance, a sales tax on all retail sales made
7 in the city or county which are subject to sales tax under chapter
8 144, RSMo. The tax authorized in this section shall not be more
9 than one-half of one percent. The order or ordinance imposing the
10 tax shall not become effective unless the governing body of the city
11 or county submits to the voters of the city or county at any
12 citywide, county, or state general, primary, or special election a
13 proposal to authorize the governing body to impose a tax under this
14 section. The tax authorized in this section shall be in addition to
15 all other sales taxes imposed by law, and shall be stated separately
16 from all other charges and taxes. The tax authorized in this
17 section shall not be imposed by any city or county that has imposed
18 a tax under section 67.1300 or 67.1303 unless the tax imposed
19 under those sections has expired or been repealed.

20 3. The ballot of submission for the tax authorized in this
21 section shall be in substantially the following form:

22 Shall (insert the name of the city or county)
23 impose a sales tax at a rate of (insert rate of percent)
24 percent for economic development purposes?

25 YES NO

26 If a majority of the votes cast on the question by the qualified
27 voters voting thereon are in favor of the question, then the tax
28 shall become effective on the first day of the second calendar
29 quarter following the calendar quarter in which the election was
30 held. If a majority of the votes cast on the question by the
31 qualified voters voting thereon are opposed to the question, then
32 the tax shall not become effective unless and until the question is
33 resubmitted under this section to the qualified voters and such
34 question is approved by a majority of the qualified voters voting on
35 the question, provided that no proposal shall be resubmitted to the
voters sooner than twelve months from the date of the submission

36 of the last proposal.

37 4. All sales taxes collected by the director of revenue under
38 this section on behalf of any county or city or municipality, less one
39 percent for cost of collection which shall be deposited in the state's
40 general revenue fund after payment of premiums for surety bonds
41 as provided in section 32.087, RSMo, shall be deposited in a special
42 trust fund, which is hereby created, to be known as the "Local
43 Option Economic Development Sales Tax Trust Fund".

44 5. The moneys in the local option economic development
45 sales tax trust fund shall not be deemed to be state funds and shall
46 not be commingled with any funds of the state. The director of
47 revenue shall keep accurate records of the amount of money in the
48 trust fund and which was collected in each city or county imposing
49 a sales tax under and pursuant to this section, and the records
50 shall be open to the inspection of officers of the city or county and
51 the public.

52 6. Not later than the tenth day of each month, the director
53 of revenue shall distribute all moneys deposited in the trust fund
54 during the preceding month to the city or county which levied the
55 tax. Such funds shall be deposited with the county treasurer of
56 each such county or the appropriate city or municipal officer in the
57 case of a city or municipal tax, and all expenditures of funds
58 arising from the local option economic development sales tax trust
59 fund shall be in accordance with this section.

60 7. The director of revenue may authorize the state treasurer
61 to make refunds from the amounts in the trust fund and credited
62 to any city or county for erroneous payments and overpayments
63 made, and may redeem dishonored checks and drafts deposited to
64 the credit of such cities and counties.

65 8. If any county or city or municipality abolishes the tax,
66 the city or county shall notify the director of revenue of the action
67 at least ninety days prior to the effective date of the repeal and the
68 director of revenue may order retention in the trust fund, for a
69 period of one year, of two percent of the amount collected after
70 receipt of such notice to cover possible refunds or overpayment of
71 the tax and to redeem dishonored checks and drafts deposited to

72 the credit of such accounts. After one year has elapsed after the
73 effective date of abolition of the tax in such city or county, the
74 director of revenue shall remit the balance in the account to the
75 city or county and close the account of that city or county. The
76 director of revenue shall notify each city or county of each instance
77 of any amount refunded or any check redeemed from receipts due
78 the city or county.

79 9. Except as modified in and by this section, all provisions
80 of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed
81 pursuant to this section.

82 10. (1) No revenue generated by the tax authorized in this
83 section shall be used for any retail development project, except for
84 the redevelopment of downtown areas and historic districts. Not
85 more than twenty-five percent of the revenue generated shall be
86 used annually for administrative purposes, including staff and
87 facility costs.

88 (2) At least twenty percent of the revenue generated by the
89 tax authorized in this section shall be used solely for projects
90 directly related to long-term economic development preparation,
91 including, but not limited to, the following:

92 (a) Acquisition of land;

93 (b) Installation of infrastructure for industrial or business
94 parks;

95 (c) Improvement of water and wastewater treatment
96 capacity;

97 (d) Extension of streets;

98 (e) Public facilities directly related to economic development
99 and job creation; and

100 (f) Providing matching dollars for state or federal grants
101 relating to such long-term projects.

102 (3) The remaining revenue generated by the tax authorized
103 in this section may be used for, but shall not be limited to, the
104 following:

105 (a) Marketing;

106 (b) Providing grants and loans to companies for job
107 training, equipment acquisition, site development, and

108 infrastructures;

109 (c) Training programs to prepare workers for advanced
110 technologies and high skill jobs;

111 (d) Legal and accounting expenses directly associated with
112 the economic development planning and preparation process; and

113 (e) Developing value-added and export opportunities for
114 Missouri agricultural products.

115 11. All revenue generated by the tax shall be deposited in
116 a special trust fund and shall be used solely for the designated
117 purposes. If the tax is repealed, all funds remaining in the special
118 trust fund shall continue to be used solely for the designated
119 purposes. Any funds in the special trust fund which are not
120 needed for current expenditures may be invested by the governing
121 body in accordance with applicable laws relating to the investment
122 of other city or county funds.

123 12. (1) Any city or county imposing the tax authorized in
124 this section shall establish an economic development tax
125 board. The volunteer board shall receive no compensation or
126 operating budget.

127 (2) The economic development tax board established by a
128 city shall consist of five members, to be appointed as follows:

129 (a) One member shall be appointed by the school districts
130 included within any economic development plan or area funded by
131 the sales tax authorized in this section. Such member shall be
132 appointed in any manner agreed upon by the affected districts;

133 (b) Three members shall be appointed by the chief elected
134 officer of the city with the consent of the majority of the governing
135 body of the city; and

136 (c) One member shall be appointed by the governing body
137 of the county in which the city is located.

138 (3) The economic development tax board established by a
139 county shall consist of seven members, to be appointed as follows:

140 (a) One member shall be appointed by the school districts
141 included within any economic development plan or area funded by
142 the sales tax authorized in this section. Such member shall be
143 appointed in any manner agreed upon by the affected districts;

144 (b) Four members shall be appointed by the governing body
145 of the county; and

146 (c) Two members from the cities, towns, or villages within
147 the county appointed in any manner agreed upon by the chief
148 elected officers of the cities, towns or villages. Of the members
149 initially appointed, three shall be designated to serve for terms of
150 two years, and the remaining members shall be designated to serve
151 for a term of four years from the date of such initial
152 appointments. Thereafter, the members appointed shall serve for
153 a term of four years, except that all vacancies shall be filled for
154 unexpired terms in the same manner as were the original
155 appointments.

156 13. The board, subject to approval of the governing body of
157 the city or county, shall consider economic development plans,
158 economic development projects, or designations of an economic
159 development area, and shall hold public hearings and provide
160 notice of any such hearings. The board shall vote on all proposed
161 economic development plans, economic development projects, or
162 designations of an economic development area, and amendments
163 thereto, within thirty days following completion of the hearing on
164 any such plan, project, or designation, and shall make
165 recommendations to the governing body within ninety days of the
166 hearing concerning the adoption of or amendment to economic
167 development plans, economic development projects, or designations
168 of an economic development area. The governing body of the city
169 or county shall have the final determination on use and
170 expenditure of any funds received from the tax imposed under this
171 section.

172 14. The board may consider and recommend using funds
173 received from the tax imposed under this section for plans, projects,
174 or area designations outside the boundaries of the city or county
175 imposing the tax if, and only if:

176 (1) The city or county imposing the tax or the state receives
177 significant economic benefit from the plan, project, or area
178 designation; and

179 (2) The board establishes an agreement with the governing

180 bodies of all cities and counties in which the plan, project, or area
181 designation is located detailing the authority and responsibilities
182 of each governing body with regard to the plan, project, or area
183 designation.

184 15. Notwithstanding any other provision of law to the
185 contrary, the local option economic development sales tax imposed
186 under this section when imposed within a special taxing district,
187 including but not limited to a tax increment financing district,
188 neighborhood improvement district, or community improvement
189 district, shall be excluded from the calculation of revenues
190 available to such districts, and no revenues from any sales tax
191 imposed under this section shall be used for the purposes of any
192 such district unless recommended by the economic development tax
193 board established under this section and approved by the governing
194 body imposing the tax.

195 16. The board and the governing body of the city or county
196 imposing the tax shall report at least annually to the governing
197 body of the city or county on the use of the funds provided under
198 this section and on the progress of any plan, project, or designation
199 adopted under this section and shall make such report available to
200 the public.

201 17. Not later than the first day of March each year the
202 department of economic development shall submit to the joint
203 committee on economic development a report which shall include
204 the following information for each project using the tax authorized
205 under this section:

206 (1) A statement of its primary economic development goals;
207 (2) A statement of the total economic development sales tax
208 revenues received during the immediately preceding calendar year;
209 and

210 (3) A statement of total expenditures during the preceding
211 calendar year in each of the following categories:

212 (a) Infrastructure improvements;
213 (b) Land and or buildings, or both;
214 (c) Machinery and equipment;
215 (d) Job training investments;

- 216 (e) Direct business incentives;
- 217 (f) Marketing;
- 218 (g) Administration and legal expenses; and
- 219 (h) Other expenditures.

220 18. The governing body of any city or county that has
 221 adopted the sales tax authorized in this section may submit the
 222 question of repeal of the tax to the voters on any date available for
 223 elections for the city or county. The ballot of submission shall be
 224 in substantially the following form:

225 Shall (insert the name of the city or
 226 county) repeal the sales tax imposed at a rate of (insert rate of
 227 percent) percent for economic development purposes?

228 YES NO

229 If a majority of the votes cast on the proposal are in favor of repeal,
 230 that repeal shall become effective on December thirty-first of the
 231 calendar year in which such repeal was approved. If a majority of
 232 the votes cast on the question by the qualified voters voting
 233 thereon are opposed to the repeal, then the sales tax authorized in
 234 this section shall remain effective until the question is resubmitted
 235 under this section to the qualified voters of the city or county, and
 236 the repeal is approved by a majority of the qualified voters voting
 237 on the question.

238 19. If any provision of this section or section 67.1303 or the
 239 application thereof to any person or circumstance is held invalid,
 240 the invalidity shall not affect other provisions or application of this
 241 section or section 67.1303 which can be given effect without the
 242 invalid provision or application, and to this end the provisions of
 243 this section and section 67.1303 are declared severable.]

2 [91.055. Other provisions of law to the contrary
 3 notwithstanding, in any first class county with a charter form of
 4 government and a population greater than six hundred thousand
 5 and less than nine hundred thousand persons, any person who, on
 6 June 29, 1999, is a water service customer of any municipality
 7 located in whole or in part in such county may continue to receive
 8 water service from such municipality even in the event that a
 public water supply district shall claim the exclusive right to

9 provide water service to such person.]

2 [115.348. No person shall qualify as a candidate for elective
3 public office in the state of Missouri who has been convicted of or
4 pled guilty to a felony or misdemeanor under the federal laws of
the United States of America.]

2 [141.550. 1. The sale shall be conducted, the sheriff's
3 return thereof made, and the sheriff's deed pursuant to the sale
4 executed, all as provided in the case of sales of real estate taken
5 under execution except as otherwise provided in sections 141.210
6 to 141.810, and provided that such sale need not occur during the
term of court or while the court is in session.

7 2. The following provisions shall apply to any sale pursuant
8 to this section of property located within any municipality
9 contained wholly or partially within a county with a population of
10 over six hundred thousand and less than nine hundred thousand:

11 (1) The sale shall be held on the day for which it is
12 advertised, between the hours of nine o'clock a.m. and five o'clock
13 p.m. and continued day to day thereafter to satisfy the judgment as
14 to each respective parcel of real estate sold;

15 (2) The sale shall be conducted publicly, by auction, for
16 ready money. The highest bidder shall be the purchaser unless the
17 highest bid is less than the full amount of all tax bills included in
18 the judgment, interest, penalties, attorney's fees and costs then due
19 thereon. No person shall be eligible to bid at the time of the sale
20 unless such person has, no later than ten days before the sale date,
21 demonstrated to the satisfaction of the official charged by law with
22 conducting the sale that he or she is not the owner of any parcel of
23 real estate in the county which is affected by a tax bill which has
24 been delinquent for more than six months and is not the owner of
25 any parcel of real property with two or more convictions based on
26 violations occurring within a two-year period of the municipality's
27 building or housing codes. A prospective bidder may make such a
28 demonstration by presenting statements from the appropriate
29 collection and code enforcement officials of the municipality.

30 3. Such sale shall convey the whole interest of every person
31 having or claiming any right, title or interest in or lien upon such

32 real estate, whether such person has answered or not, subject to
33 rights-of-way thereon of public utilities upon which tax has been
34 otherwise paid, and subject to the lien thereon, if any, of the
35 United States of America.

36 4. The collector shall advance the sums necessary to pay for
37 the publication of all advertisements required by sections 141.210
38 to 141.810 and shall be allowed credit therefor in his or her
39 accounts with the county. The collector shall give credit in such
40 accounts for all such advances recovered by him or her. Such
41 expenses of publication shall be apportioned pro rata among and
42 taxed as costs against the respective parcels of real estate
43 described in the judgment; provided, however, that none of the
44 costs herein enumerated, including the costs of publication, shall
45 constitute any lien upon the real estate after such sale.]

2 [171.035. Any school district that cancelled classes or
3 dismissed classes early for weather-related reasons for any of its
4 schools for any days from January 11, 2007, to January 22, 2007,
5 shall not be required to make up the days or hours lost during such
6 time. The requirement for scheduling two-thirds of the missed
7 days into the next year's calendar under subsection 1 of section
8 171.033 shall be waived for the 2007-08 school year.]

9 [171.035. Except a school district with an assessed
10 valuation of three hundred million dollars or more and with
11 territory in a county of the second classification, no school district
12 with any territory contained in a county declared to be a federal
13 disaster area on January 16, 2007, that cancelled classes or
14 dismissed classes early for weather-related reasons for any of its
15 schools for any days from January 15 to January 22, 2007, shall be
16 required to make up the days or hours lost during such
17 time. School districts in counties not included in the federal
18 disaster area that have missed eight or more days due to inclement
19 weather during the 2006-07 school year shall not be required to
20 make up the days or hours for six of those days. The requirement
21 for scheduling two-thirds of the missed days into the next year's
22 calendar under subsection 1 of section 171.033 shall be waived for
23 the 2007-08 school year.]

1 [192.632. 1. There is hereby created a "Chronic Kidney
2 Disease Task Force". Unless otherwise stated, members shall be
3 appointed by the director of the department of health and senior
4 services and shall include, but not be limited to, the following
5 members:

6 (1) Two physicians appointed from lists submitted by the
7 Missouri State Medical Association;

8 (2) Two nephrologists;

9 (3) Two family physicians;

10 (4) Two pathologists;

11 (5) One member who represents owners or operators of
12 clinical laboratories in the state;

13 (6) One member who represents a private renal care
14 provider;

15 (7) One member who has a chronic kidney disease;

16 (8) One member who represents the state affiliate of the
17 National Kidney Foundation;

18 (9) One member who represents the Missouri Kidney
19 Program;

20 (10) Two members of the house of representatives appointed
21 by the speaker of the house of representatives;

22 (11) Two members of the senate appointed by the president
23 pro tempore of the senate;

24 (12) Additional members may be chosen to represent public
25 health clinics, community health centers, and private health
26 insurers.

27 2. A chairperson and a vice chairperson shall be elected by
28 the members of the task force.

29 3. The chronic kidney task force shall:

30 (1) Develop a plan to educate the public and health care
31 professionals about the advantages and methods of early screening,
32 diagnosis, and treatment of chronic kidney disease and its
33 complications based on kidney disease outcomes, quality initiative
34 clinical practice guidelines for chronic kidney disease, or other
35 medically recognized clinical practice guidelines;

36 (2) Make recommendations on the implementation of a

37 cost-effective plan for early screening, diagnosis, and treatment of
38 chronic kidney disease for the state's population;

39 (3) Identify barriers to adoption of best practices and
40 potential public policy options to address such barriers;

41 (4) Submit a report of its findings and recommendations to
42 the general assembly within one year of its first meeting.

43 4. The department of health and senior services shall
44 provide all necessary staff, research, and meeting facilities for the
45 chronic kidney disease task force.]

[192.632. 1. There is hereby created a "Chronic Kidney
2 Disease Task Force". Unless otherwise stated, members shall be
3 appointed by the director of the department of health and senior
4 services and shall include, but not be limited to, the following
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14 provider;

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16 (8) One member who represents the state affiliate of the
17 National Kidney Foundation;

18 (9) One member who represents the Missouri kidney
19 program;

20 (10) Two members of the house of representatives appointed
21 by the speaker of the house;

22 (11) Two members of the senate appointed by the president
23 pro tem of the senate;

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26 insurers.

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34 clinical practice guidelines for chronic kidney disease, or other
35 medically recognized clinical practice guidelines;

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37 cost-effective plan for early screening, diagnosis, and treatment of
38 chronic kidney disease for the state's population;

39 (3) Identify barriers to adoption of best practices and
40 potential public policy options to address such barriers;

41 (4) Submit a report of its findings and recommendations to
42 the general assembly by August 30, 2008.

43 4. The department of health and senior services shall
44 provide all necessary staff, research, and meeting facilities for the
45 chronic kidney disease task force.

46 5. The provisions of this section shall expire August 30,
47 2008.]

[217.777. 1. The department shall administer a community
2 corrections program to encourage the establishment of local
3 sentencing alternatives for offenders to:

4 (1) Promote accountability of offenders to crime victims,
5 local communities and the state by providing increased
6 opportunities for offenders to make restitution to victims of crime
7 through financial reimbursement or community service;

8 (2) Ensure that victims of crime are included in meaningful
9 ways in Missouri's response to crime;

10 (3) Provide structured opportunities for local communities
11 to determine effective local sentencing options to assure that
12 individual community programs are specifically designed to meet
13 local needs;

14 (4) Reduce the cost of punishment, supervision and
15 treatment significantly below the annual per-offender cost of
16 confinement within the traditional prison system; and

17 (5) Improve public confidence in the criminal justice system
18 by involving the public in the development of community-based
19 sentencing options for eligible offenders.

20 2. The program shall be designed to implement and operate
21 community-based restorative justice projects including, but not
22 limited to: preventive or diversionary programs, community-based
23 intensive probation and parole services, community-based
24 treatment centers, day reporting centers, and the operation of
25 facilities for the detention, confinement, care and treatment of
26 adults under the purview of this chapter.

27 3. The department shall promulgate rules and regulations
28 for operation of the program established pursuant to this section
29 as provided for in section 217.040 and chapter 536, RSMo.

30 4. Any proposed program or strategy created pursuant to
31 this section shall be developed after identification of a need in the
32 community for such programs, through consultation with
33 representatives of the general public, judiciary, law enforcement
34 and defense and prosecution bar.

35 5. Until December 31, 2000, in communities where local
36 volunteer community boards are established at the request of the
37 court, the following guidelines apply:

38 (1) The department shall provide a program of training to
39 eligible volunteers and develop specific conditions of a probation
40 program and conditions of probation for offenders referred to it by
41 the court. Such conditions, as established by the community
42 boards and the department, may include compensation and
43 restitution to the community and the victim by fines, fees, day
44 fines, victim-offender mediation, participation in victim impact
45 panels, community service, or a combination of the aforementioned
46 conditions;

47 (2) In referring offenders to local volunteer community
48 boards for probation supervision pursuant to this section, the court
49 is encouraged to select those volunteers who live in close
50 geographical proximity to the community in which the crime is
51 alleged to have occurred for supervision purposes;

52 (3) The term of probation shall not exceed five years and

53 may be concluded by the court when conditions imposed are met to
54 the satisfaction of the local volunteer community board.

55 6. The department may staff programs created pursuant to
56 this section with employees of the department or may contract with
57 other public or private agencies for delivery of services as otherwise
58 provided by law.]

2 [227.381. The portion of interstate 55 in St. Louis County
3 between Butler Hill Road and Meramec Bottom Road shall be
4 designated the "Officer Thomas G. Smith Jr. Memorial Highway".]

5 [228.362. 1. Unless exceptions to the commissioners' report
6 have been filed pursuant to section 228.358, the plaintiffs shall not
7 be entitled to use of the private road until judgment is entered and
8 becomes final and appeals, if any, have been exhausted and the
9 plaintiffs have satisfied the damage award contained in the
10 judgment. The plaintiffs may voluntarily abandon the proceedings
11 and dismiss the petition at any time prior to satisfaction of the
12 damage award, and if the plaintiffs do not satisfy the damage
13 award within sixty days following the date upon which the
14 judgment becomes final and appeals, if any, have been exhausted,
15 then the proceedings shall be deemed abandoned. In either
16 instance, the circuit court shall retain jurisdiction solely to enter
17 an order vacating the judgment, dismissing the petition and
18 ordering disposition of the bond, if any. No execution shall issue
19 on the damage award. If the plaintiffs shall have used the private
20 road before judgment has become final and appeals, if any, have
21 been exhausted and the private road is not for any reason
22 established according to the terms of sections 228.342 to 228.368,
23 after final judgment and appeals, the plaintiffs and their sureties
24 shall be liable on their bond for all damages and costs occasioned
25 by such use of the private road. If the petition is voluntarily
26 dismissed after the filing of the commissioners' report or is deemed
27 abandoned, the plaintiffs and the successors and assigns to the real
property which was the subject of the petition shall be barred for
a period of seven years from the date of the abandonment or
dismissal from filing another petition under sections 228.342 to
228.368, for the establishment of a private road over the same or

28 any part of the real property over which the private road was
29 sought in the prior petition.

30 2. If a party files exceptions to the commissioners' report
31 pursuant to this section, the plaintiffs shall be entitled to use of
32 the private road before judgment is entered and becomes final and
33 appeals, if any, have been exhausted, if the plaintiffs shall have
34 given an appeal bond in an amount as the circuit court deems
35 sufficient to pay the probable damages that plaintiffs will owe and
36 costs.]

[286.060. 1. It shall be the duty of the commission, and it
2 shall have power, jurisdiction and authority:

3 (1) To sue and be sued in its official name;

4 (2) To have and use an official seal bearing the following
5 inscription: "The Labor and Industrial Relations Commission of the
6 State of Missouri", which shall be judicially noticed;

7 (3) To have all powers, duties and responsibilities conferred
8 or imposed upon it by the workers' compensation law (chapter 287,
9 RSMo), the victims of crime law, chapter 595, RSMo, the division
10 of labor standards law (within chapters 286, 290, 291, 292, 293, 294
11 and 444, RSMo), and the unemployment compensation law (chapter
12 288, RSMo);

13 (4) To approve or disapprove all rules or regulations
14 promulgated by any division within the department;

15 (5) To establish and maintain as far as practicable a central
16 system of collecting, preparing, compiling and reporting all
17 material for statistical use in all divisions of the department of
18 labor and industrial relations, and to this end the department shall
19 have access to the books and records of all state departments,
20 except those which are required by law to be kept confidential. The
21 commission may by regulation permit employers or other persons
22 to file combined reports of information required by law to be
23 reported to the several divisions within the department whenever
24 it finds that same or similar information is required by law to be
25 reported by such employers or persons to more than one division
26 within the department;

27 (6) To maintain, as far as practicable, a central system for

28 payroll and other accounting for the several divisions in the
29 department;

30 (7) To compile and publish, in printed form, at the expense
31 of the divisions within the department all rules and regulations
32 (except such rules and regulations which relate to the internal
33 management of the department) which have been adopted by or
34 with the approval of the commission, and to furnish copies thereof
35 to any citizen of the state upon request;

36 (8) To adopt all regulations necessary to the efficient
37 internal management of the department, not inconsistent with any
38 provisions of law; and to adopt regulations governing its
39 proceedings in connection with the exercise of its quasi-judicial
40 functions;

41 (9) The commission or any member of the commission may
42 hold hearings, require the attendance of witnesses, administer
43 oaths and take testimony;

44 (10) Each of the commissioners shall have power to certify
45 to official acts;

46 (11) To prepare and submit to each regular session of the
47 general assembly and to the governor at the beginning of each
48 session of the general assembly, a complete and detailed report of
49 the activities of the department, including the activities of each
50 division within the department, during the preceding biennial
51 period. Such report shall include a balance sheet of the moneys in
52 the various administrative funds under its jurisdiction as well as
53 all information required to be reported by the various laws under
54 its jurisdiction, which reports shall be in lieu of any report to the
55 general assembly now required by law for any department or office,
56 the powers and duties of which are by this chapter vested in a
57 division in the department of labor and industrial relations;

58 (12) To require the division of employment security to
59 furnish it with a stenographer or clerk to file, process and keep
60 records of all cases appealed from that division to the labor and
61 industrial relations commission; and

62 (13) To have and perform such other powers and duties as
63 may be conferred or imposed upon it by law.

64 2. No rule or portion of a rule promulgated under the
65 authority of this chapter shall become effective until it has been
66 approved by the joint committee on administrative rules in
67 accordance with the procedures provided in this section, and the
68 delegation of the legislative authority to enact law by the adoption
69 of such rules is dependent upon the power of the joint committee
70 on administrative rules to review and suspend rules pending
71 ratification by the senate and the house of representatives as
72 provided in this section.

73 3. Upon filing any proposed rule with the secretary of state,
74 the filing agency shall concurrently submit such proposed rule to
75 the committee, which may hold hearings upon any proposed rule or
76 portion thereof at any time.

77 4. A final order of rulemaking shall not be filed with the
78 secretary of state until thirty days after such final order of
79 rulemaking has been received by the committee. The committee
80 may hold one or more hearings upon such final order of rulemaking
81 during the thirty-day period. If the committee does not disapprove
82 such order of rulemaking within the thirty-day period, the filing
83 agency may file such order of rulemaking with the secretary of
84 state and the order of rulemaking shall be deemed approved.

85 5. The committee may, by majority vote of the members,
86 suspend the order of rulemaking or portion thereof by action taken
87 prior to the filing of the final order of rulemaking only for one or
88 more of the following grounds:

89 (1) An absence of statutory authority for the proposed rule;

90 (2) An emergency relating to public health, safety or
91 welfare;

92 (3) The proposed rule is in conflict with state law;

93 (4) A substantial change in circumstance since enactment
94 of the law upon which the proposed rule is based.

95 6. If the committee disapproves any rule or portion thereof,
96 the filing agency shall not file such disapproved portion of any rule
97 with the secretary of state and the secretary of state shall not
98 publish in the Missouri Register any final order of rulemaking
99 containing the disapproved portion.

100 7. If the committee disapproves any rule or portion thereof,
101 the committee shall report its findings to the senate and the house
102 of representatives. No rule or portion thereof disapproved by the
103 committee shall take effect so long as the senate and the house of
104 representatives ratify the act of the joint committee by resolution
105 adopted in each house within thirty legislative days after such rule
106 or portion thereof has been disapproved by the joint committee.

107 8. Upon adoption of a rule as provided in this section, any
108 such rule or portion thereof may be suspended or revoked by the
109 general assembly either by bill or, pursuant to section 8, article IV
110 of the Constitution of Missouri, by concurrent resolution upon
111 recommendation of the joint committee on administrative
112 rules. The committee shall be authorized to hold hearings and
113 make recommendations pursuant to the provisions of section
114 536.037, RSMo. The secretary of state shall publish in the
115 Missouri Register, as soon as practicable, notice of the suspension
116 or revocation.]

 [301.630. 1. A lienholder may assign, absolutely or
2 otherwise, his or her lien or encumbrance in the motor vehicle or
3 trailer to a person other than the owner without affecting the
4 interest of the owner or the validity or effect of the lien or
5 encumbrance, but any person without notice of the assignment is
6 protected in dealing with the lienholder as the holder of the lien or
7 encumbrance and the lienholder remains liable for any obligations
8 as lienholder until the assignee is named as lienholder on the
9 certificate.

10 2. The assignee may, but need not perfect the assignment,
11 have the certificate of ownership endorsed or issued with the
12 assignee named as lienholder, upon delivering to the director of
13 revenue the certificate and an assignment by the lienholder named
14 in the certificate in the form the director of revenue prescribes the
15 application and the required fee.

16 3. If the certificate of ownership is being electronically
17 retained by the director of revenue, the original lienholder may
18 mail or deliver a notice of assignment of a lien to the director in a
19 form prescribed by the director. Upon receipt of notice of

20 assignment the director shall update the electronic certificate of
21 ownership to reflect the assignment of the lien and lienholder.]

[304.156. 1. Within five working days of receipt of the
2 crime inquiry and inspection report under section 304.155 or the
3 abandoned property report under section 304.157, the director of
4 revenue shall search the records of the department of revenue, or
5 initiate an inquiry with another state, if the evidence presented
6 indicated the abandoned property was registered or titled in
7 another state, to determine the name and address of the owner and
8 lienholder, if any. After ascertaining the name and address of the
9 owner and lienholder, if any, the department shall, within fifteen
10 working days, notify the towing company. Any towing company
11 which comes into possession of abandoned property pursuant to
12 section 304.155 or 304.157 and who claims a lien for recovering,
13 towing or storing abandoned property shall give notice to the title
14 owner and to all persons claiming a lien thereon, as disclosed by
15 the records of the department of revenue or of a corresponding
16 agency in any other state. The towing company shall notify the
17 owner and any lienholder within ten business days of the date of
18 mailing indicated on the notice sent by the department of revenue,
19 by certified mail, return receipt requested. The notice shall contain
20 the following:

21 (1) The name, address and telephone number of the storage
22 facility;

23 (2) The date, reason and place from which the abandoned
24 property was removed;

25 (3) A statement that the amount of the accrued towing,
26 storage and administrative costs are the responsibility of the
27 owner, and that storage and/or administrative costs will continue
28 to accrue as a legal liability of the owner until the abandoned
29 property is redeemed;

30 (4) A statement that the storage firm claims a possessory
31 lien for all such charges;

32 (5) A statement that the owner or holder of a valid security
33 interest of record may retake possession of the abandoned property
34 at any time during business hours by proving ownership or rights

35 to a secured interest and paying all towing and storage charges;

36 (6) A statement that, should the owner consider that the
37 towing or removal was improper or not legally justified, the owner
38 has a right to request a hearing as provided in this section to
39 contest the propriety of such towing or removal;

40 (7) A statement that if the abandoned property remains
41 unclaimed for thirty days from the date of mailing the notice, title
42 to the abandoned property will be transferred to the person or firm
43 in possession of the abandoned property free of all prior liens; and

44 (8) A statement that any charges in excess of the value of
45 the abandoned property at the time of such transfer shall remain
46 a liability of the owner.

47 2. A towing company may only assess reasonable storage
48 charges for abandoned property towed without the consent of the
49 owner. Reasonable storage charges shall not exceed the charges for
50 vehicles which have been towed with the consent of the owner on
51 a negotiated basis. Storage charges may be assessed only for the
52 time in which the towing company complies with the procedural
53 requirements of sections 304.155 to 304.158.

54 3. In the event that the records of the department of
55 revenue fail to disclose the name of the owner or any lienholder of
56 record, the department shall notify the towing company which shall
57 attempt to locate documents or other evidence of ownership on or
58 within the abandoned property itself. The towing company must
59 certify that a physical search of the abandoned property disclosed
60 that no ownership documents were found and a good faith effort
61 has been made. For purposes of this section, "good faith effort"
62 means that the following checks have been performed by the
63 company to establish the prior state of registration and title:

64 (1) Check of the abandoned property for any type of license
65 plates, license plate record, temporary permit, inspection sticker,
66 decal or other evidence which may indicate a state of possible
67 registration and title;

68 (2) Check the law enforcement report for a license plate
69 number or registration number if the abandoned property was
70 towed at the request of a law enforcement agency;

71 (3) Check the tow ticket/report of the tow truck operator to
72 see if a license plate was on the abandoned property at the
73 beginning of the tow, if a private tow; and

74 (4) If there is no address of the owner on the impound
75 report, check the law enforcement report to see if an out-of-state
76 address is indicated on the driver license information.

77 4. If no ownership information is discovered, the director of
78 revenue shall be notified in writing and title obtained in
79 accordance with subsection 7 of this section.

80 5. (1) The owner of the abandoned property removed
81 pursuant to the provisions of section 304.155 or 304.157 or any
82 person claiming a lien, other than the towing company, within ten
83 days after the receipt of notification from the towing company
84 pursuant to subsection 1 of this section may file a petition in the
85 associate circuit court in the county where the abandoned property
86 is stored to determine if the abandoned property was wrongfully
87 taken or withheld from the owner. The petition shall name the
88 towing company among the defendants. The petition may also
89 name the agency ordering the tow or the owner, lessee or agent of
90 the real property from which the abandoned property was
91 removed. The director of revenue shall not be a party to such
92 petition but a copy of the petition shall be served on the director of
93 revenue who shall not issue title to such abandoned property
94 pursuant to this section until the petition is finally decided.

95 (2) Upon filing of a petition in the associate circuit court,
96 the owner or lienholder may have the abandoned property released
97 upon posting with the court a cash or surety bond or other
98 adequate security equal to the amount of the charges for towing
99 and storage to ensure the payment of such charges in the event he
100 does not prevail. Upon the posting of the bond and the payment of
101 the applicable fees, the court shall issue an order notifying the
102 towing company of the posting of the bond and directing the towing
103 company to release the abandoned property. At the time of such
104 release, after reasonable inspection, the owner or lienholder shall
105 give a receipt to the towing company reciting any claims for loss or
106 damage to the abandoned property or the contents thereof.

107 (3) Upon determining the respective rights of the parties,
108 the final order of the court shall provide for immediate payment in
109 full of recovery, towing, and storage fees by the abandoned property
110 owner or lienholder or the owner, lessee, or agent thereof of the
111 real property from which the abandoned property was removed.

112 6. A towing and storage lien shall be enforced as provided
113 in subsection 7 of this section.

114 7. Thirty days after the notification form has been mailed
115 to the abandoned property owner and holder of a security
116 agreement and the property is unredeemed and no satisfactory
117 arrangement has been made with the lienholder in possession for
118 continued storage, and the owner or holder of a security agreement
119 has not requested a hearing as provided in subsection 5 of this
120 section, the lienholder in possession may apply to the director of
121 revenue for a certificate. The application for title shall be
122 accompanied by:

123 (1) An affidavit from the lienholder in possession that he
124 has been in possession of the abandoned property for at least thirty
125 days and the owner of the abandoned property or holder of a
126 security agreement has not made arrangements for payment of
127 towing and storage charges;

128 (2) An affidavit that the lienholder in possession has not
129 been notified of any application for hearing as provided in this
130 section;

131 (3) A copy of the abandoned property report or crime
132 inquiry and inspection report;

133 (4) A copy of the thirty-day notice given by certified mail to
134 any owner and person holding a valid security interest and a copy
135 of the certified mail receipt indicating that the owner and
136 lienholder of record was sent a notice as required in this section;
137 and

138 (5) A copy of the envelope or mailing container showing the
139 address and postal markings indicating that the notice was "not
140 forwardable" or "address unknown".

141 8. If notice to the owner and holder of a security agreement
142 has been returned marked "not forwardable" or "addresseee

143 unknown", the lienholder in possession shall comply with
144 subsection 3 of this section.

145 9. Any municipality or county may adopt an ordinance
146 regulating the removal and sale of abandoned property provided
147 such ordinance is consistent with sections 304.155 to 304.158, and,
148 for a home rule city with more than four hundred thousand
149 inhabitants and located in more than one county, includes the
150 following provisions:

151 (1) That the department of revenue records must be
152 searched to determine the registered owner or lienholder of the
153 abandoned property;

154 (2) That if a registered owner or lienholder is disclosed in
155 the records, that the owner and lienholder or owner or lienholder
156 are mailed a notice by the governmental agency, by U.S. mail,
157 advising of the towing and impoundment;

158 (3) That if the vehicle is older than six years and more than
159 fifty percent damaged by collision, fire, or decay, and has a fair
160 market value of less than two hundred dollars as determined by
161 using any nationally recognized appraisal book or method, it must
162 be held no less than ten days after the notice is sent pursuant to
163 this subsection before being sold to a licensed salvage or scrap
164 business; provided however where a title is required under this
165 chapter an affidavit from a certified appraiser attesting that the
166 value of the vehicle is less than two hundred dollars;

167 (4) That all other vehicles must be held no less than thirty
168 days after the notice is sent pursuant to this subsection before they
169 may be sold.

170 10. Any municipality or county which has physical
171 possession of the abandoned property and which sells abandoned
172 property in accordance with a local ordinance may transfer
173 ownership by means of a bill of sale signed by the municipal or
174 county clerk or deputy and sealed with the official municipal or
175 county seal. Such bill of sale shall contain the make and model of
176 the abandoned property, the complete abandoned property
177 identification number and the odometer reading of the abandoned
178 property if available and shall be lawful proof of ownership for any

179 dealer registered under the provisions of section 301.218, RSMo, or
180 section 301.560, RSMo, or for any other person. Any dealer or
181 other person purchasing such property from a municipality or
182 county shall apply within thirty days of purchase for a
183 certificate. Anyone convicted of a violation of this section shall be
184 guilty of an infraction.

185 11. Any persons who have towed abandoned property prior
186 to August 28, 1996, may, until January 1, 2000, apply to the
187 department of revenue for a certificate. The application shall be
188 accompanied by:

189 (1) A notarized affidavit explaining the circumstances by
190 which the abandoned property came into their possession, including
191 the name of the owner or possessor of real property from which the
192 abandoned property was removed;

193 (2) The date of the removal;

194 (3) The current location of the abandoned property;

195 (4) An inspection of the abandoned property as prescribed
196 by the director; and

197 (5) A copy of the thirty-day notice given by certified mail to
198 any owner and person holding a valid security interest of record
199 and a copy of the certified mail receipt.

200 12. If the director is satisfied with the genuineness of the
201 application and supporting documents submitted pursuant to this
202 section, the director shall issue one of the following:

203 (1) An original certificate of title if the vehicle owner has
204 obtained a vehicle examination certificate as provided in section
205 301.190, RSMo, which indicates that the vehicle was not previously
206 in a salvaged condition or rebuilt;

207 (2) An original certificate of title designated as prior
208 salvage if the vehicle examination certificate as provided in section
209 301.190, RSMo, indicates the vehicle was previously in a salvage
210 condition or rebuilt;

211 (3) A salvage certificate of title designated with the words
212 "salvage/abandoned property" or junking certificate based on the
213 condition of the abandoned property as stated in the abandoned
214 property report or crime inquiry and inspection report;

215 (4) Notwithstanding the provisions of section 301.573,
216 RSMo, to the contrary, if satisfied with the genuineness of the
217 application and supporting documents, the director shall issue an
218 original title to abandoned property previously issued a salvage
219 title as provided in this section, if the vehicle examination
220 certificate as provided in section 301.190, RSMo, does not indicate
221 the abandoned property was previously in a salvage condition or
222 rebuilt.

223 13. If abandoned property is insured and the insurer of
224 property regards the property as a total loss and the insurer
225 satisfies a claim by the owner for the property, then the insurer or
226 lienholder shall claim and remove the property from the storage
227 facility or make arrangements to transfer the title, and such
228 transfer of title subject to agreement shall be in complete
229 satisfaction of all claims for towing and storage, to the towing
230 company or storage facility. The owner of the abandoned vehicle,
231 lienholder or insurer, to the extent the vehicle owner's insurance
232 policy covers towing and storage charges, shall pay reasonable fees
233 assessed by the towing company and storage facility. The property
234 shall be claimed and removed or title transferred to the towing
235 company or storage facility within thirty days of the date that the
236 insurer paid a claim for the total loss of the property or is notified
237 as to the location of the abandoned property, whichever is the later
238 event. Upon request, the insurer of the property shall supply the
239 towing company and storage facility with the name, address and
240 phone number of the insurance company and of the insured and
241 with a statement regarding which party is responsible for the
242 payment of towing and storage charges under the insurance policy.]

2 [304.678. The operator of a motor vehicle overtaking a
3 bicycle proceeding in the same direction on the roadway, as defined
4 in section 300.010, RSMo, shall leave a safe distance when passing
5 the bicycle, and shall maintain clearance until safely past the
overtaken bicycle.]

2 [321.701. 1. Each member of a fire protection district board
3 located in any county of the first classification with a population of
nine hundred thousand or more inhabitants shall be subject to

4 recall from office by the registered voters of the district from which
5 he was elected. Proceedings may be commenced for the recall of
6 any fire protection district board member by the filing of a notice
7 of intention to circulate a recall petition pursuant to sections
8 321.701 to 321.716.

9 2. Proceedings may not be commenced against any member
10 if, at the time of commencement, that member:

11 (1) Has not held office during his current term for a period
12 of more than one hundred eighty days; or

13 (2) Has one hundred eighty days or less remaining in his
14 term; or

15 (3) Has had a recall election determined in his favor within
16 the current term of office.]

[321.714. 1. If the election authority finds the signatures
2 on the petition, together with the supplementary petition sections
3 if any, to be sufficient, it shall submit its certificate as to the
4 sufficiency of the petition to the fire protection district board prior
5 to its next meeting. The certificate shall contain:

6 (1) The name of the member whose recall is sought;

7 (2) The number of signatures required by law;

8 (3) The total number of signatures on the petition;

9 (4) The number of valid signatures on the petition.

10 2. Following the fire protection board's receipt of the
11 certificate, the election authority shall order an election to be held
12 on one of the election days specified in section 115.123, RSMo. The
13 election shall be held not less than forty-five days nor more than
14 one hundred twenty days after the fire protection district board
15 receives the petition. Nominations hereunder shall be made by
16 filing a statement of candidacy with the election authority.

17 3. At any time prior to forty-two days before the election,
18 the member sought to be recalled may offer his resignation. If his
19 resignation is offered, the recall question shall be removed from the
20 ballot and the office declared vacant. The member who resigned
21 may not fill the vacancy which shall be filled as provided by law.]

[324.712. 1. No license shall be issued or renewed unless
2 the applicant files with the division a certificate or certificates of

3 insurance from an insurance company or companies authorized to
4 do business in this state. The applicant must demonstrate that he
5 or she has:

6 (1) Motor vehicle insurance for bodily injury to or death of
7 one or more persons in any one accident and for injury or
8 destruction of property of others in any one accident with minimum
9 coverage of five hundred thousand dollars;

10 (2) Comprehensive general liability insurance with a
11 minimum coverage of two million dollars, including coverage of
12 operations on state streets and highways that are not covered by
13 motor vehicle insurance; and

14 (3) Workers' compensation insurance that complies with
15 chapter 287, RSMo, for all employees.

16 2. The certificate or certificates shall provide for continuous
17 coverage during the effective period of the license issued pursuant
18 to this section. At the time the certificate is filed, the applicant
19 shall also file with the division a current list of all motor vehicles
20 covered by the certificate. The applicant shall file amendments to
21 the list within fifteen days of any changes.

22 3. An insurance company issuing any insurance policy
23 required by this section shall notify the division of any of the
24 following events at least thirty days before its occurrence:

25 (1) Cancellation of the policy;

26 (2) Nonrenewal of the policy by the company; or

27 (3) Any change in the policy.

28 4. In addition to all coverages required by this section, the
29 applicant shall file with the division a copy of either:

30 (1) A bond or other acceptable surety providing coverage in
31 the amount of fifty thousand dollars for the benefit of a person
32 contracting with the housemover to move that person's house for all
33 claims for property damage arising from the movement of a house;
34 or

35 (2) A policy of cargo insurance in the amount of one
36 hundred thousand dollars.]

2 [324.1102. 1. The "Board of Private Investigator
Examiners" is hereby created within the division of professional

3 registration. The board shall be a body corporate and may sue and
4 be sued.

5 2. The board shall be composed of five members, including
6 two public members, appointed by the governor with the advice and
7 consent of the senate. Except for the public members, each
8 member of the board shall be a citizen of the United States, a
9 resident of Missouri, at least thirty years of age, and shall have
10 been actively engaged in the private investigator business for the
11 previous five years. No more than one private investigator board
12 member may be employed by, or affiliated with, the same private
13 investigator agency. The initial private investigator board
14 members shall not be required to be licensed but shall obtain a
15 license within one hundred eighty days after the effective date of
16 the rules promulgated under sections 324.1100 to 324.1148
17 regarding licensure. The public members shall each be a registered
18 voter and a person who is not and never was a member of any
19 profession licensed or regulated under sections 324.1100 to
20 324.1148 or the spouse of such person; and a person who does not
21 have and never has had a material, financial interest in either the
22 providing of the professional services regulated by sections
23 324.1100 to 324.1148, or an activity or organization directly related
24 to any profession licensed or regulated under sections 324.1100 to
25 324.1148. The duties of the public members shall not include the
26 determination of the technical requirements to be met for licensure
27 or whether any person meets such technical requirements or of the
28 technical competence or technical judgment of a licensee or a
29 candidate for licensure.

30 3. The members shall be appointed for terms of two years,
31 except those first appointed, in which case two members, who shall
32 be private investigators, shall be appointed for terms of four years,
33 two members shall be appointed for terms of three years, and one
34 member shall be appointed for a one-year term. Any vacancy on
35 the board shall be filled for the unexpired term of the member and
36 in the manner as the first appointment. No member may serve
37 consecutive terms.

38 4. The members of the board may receive compensation, as

39 determined by the director for their services, if appropriate, and
40 shall be reimbursed for actual and necessary expenses incurred in
41 performing their official duties on the board.

42 5. There is hereby created in the state treasury the "Board
43 of Private Investigator Examiners Fund", which shall consist of
44 money collected under sections 324.1100 to 324.1148. The state
45 treasurer shall be custodian of the fund and shall approve
46 disbursements from the fund in accordance with the provisions of
47 sections 30.170 and 30.180, RSMo. Upon appropriation, money in
48 the fund shall be used solely for the administration of sections
49 324.1100 to 324.1148. Notwithstanding the provisions of section
50 33.080, RSMo, to the contrary, any moneys remaining in the fund
51 at the end of the biennium shall not revert to the credit of the
52 general revenue fund. The state treasurer shall invest moneys in
53 the fund in the same manner as other funds are invested. Any
54 interest and moneys earned on such investments shall be credited
55 to the fund.]

[324.1106. The following persons shall not be deemed to be
2 engaging in the private investigator business:

3 (1) A person employed exclusively and regularly by one
4 employer in connection only with the affairs of such employer and
5 where there exists an employer-employee relationship;

6 (2) Any officer or employee of the United States, or of this
7 state or a political subdivision thereof while engaged in the
8 performance of the officer's or employee's official duties;

9 (3) Any employee, agent, or independent contractor
10 employed by any government agency, division, or department of the
11 state whose work relationship is established by a written contract
12 while working within the scope of employment established under
13 such contract;

14 (4) An attorney performing duties as an attorney, or an
15 attorney's paralegal or employee retained by such attorney
16 assisting in the performance of such duties or investigation on
17 behalf of such attorney;

18 (5) A collection agency or an employee thereof while acting
19 within the scope of employment, while making an investigation

20 incidental to the business of the agency, including an investigation
21 of the location of a debtor or a debtor's property where the contract
22 with an assignor creditor is for the collection of claims owed or due,
23 or asserted to be owed or due, or the equivalent thereof;

24 (6) Insurers and insurance producers licensed by the state,
25 performing duties in connection with insurance transacted by them;

26 (7) Any bank subject to the jurisdiction of the director of
27 the division of finance of the state of Missouri or the comptroller of
28 currency of the United States;

29 (8) An insurance adjuster. For the purposes of sections
30 324.1100 to 324.1148, an "insurance adjuster" means any person
31 who receives any consideration, either directly or indirectly, for
32 adjusting in the disposal of any claim under or in connection with
33 a policy of insurance or engaging in soliciting insurance adjustment
34 business;

35 (9) Any private fire investigator whose primary purpose of
36 employment is the determination of the origin, nature, cause, or
37 calculation of losses relevant to a fire;

38 (10) Employees of a not-for-profit organization or its
39 affiliate or subsidiary who makes and processes requests on behalf
40 of health care providers and facilities for employee criminal and
41 other background information under section 660.317, RSMo;

42 (11) Any real estate broker, real estate salesperson, or real
43 estate appraiser acting within the scope of his or her license;

44 (12) Expert witnesses who have been certified or accredited by a
45 national or state association associated with the expert's scope of
46 expertise;

47 (13) Any person who does not hold themselves out to the
48 public as a private investigator but is under contract with a state
49 agency or political subdivision; or

50 (14) Any person performing duties or conducting
51 investigations relating to serving legal process when such person's
52 investigation is incidental to the serving of legal process;

53 (15) A consumer reporting agency as defined in 15 U.S.C.
54 Section 1681(a) and its contract and salaried employees.]

[324.1118. A private investigator agency shall not hire an

2 individual, who is not licensed as a private investigator, as an
3 employee if the individual:

4 (1) Has committed any act which, if committed by a
5 licensee, would be grounds for the suspension or revocation of a
6 license under the provisions of sections 324.1100 to 324.1148;

7 (2) Within two years prior to the hiring date:

8 (a) Has been convicted of or entered a plea of guilty or nolo
9 contendere to a felony offense, including the receiving of a
10 suspended imposition of sentence following a plea or finding of
11 guilty to a felony offense;

12 (b) Has been convicted of or entered a plea of guilty or nolo
13 contendere to a misdemeanor offense involving moral turpitude;

14 (c) Has falsified or willfully misrepresented information in
15 an employment application, records of evidence, or in testimony
16 under oath;

17 (d) Has been dependent on or abused alcohol or drugs; or

18 (e) Has used, possessed, or trafficked in any illegal
19 substance;

20 (3) Has been refused a license under the provisions of
21 sections 324.1100 to 324.1148 or had a license revoked in this state
22 or in any other state;

23 (4) While unlicensed, committed or aided and abetted the
24 commission of any act for which a license is required by sections
25 324.1100 to 324.1148 after August 28, 2007; or

26 (5) Knowingly made any false statement in the application.]

[335.067. 1. The state board of nursing may establish an
2 impaired nurse program to promote the early identification,
3 intervention, treatment, and rehabilitation of nurses who may be
4 impaired by reasons of illness, substance abuse, or as a result of
5 any mental condition. This program shall be available to anyone
6 holding a current license and may be entered voluntarily, as part
7 of an agreement with the board of nursing, or as a condition of a
8 disciplinary order entered by the board of nursing.

9 2. The board may enter into a contractual agreement with
10 a nonprofit corporation or a nursing association for the purpose of
11 creating, supporting, and maintaining a program to be designated

12 as the impaired nurse program. The board may promulgate
13 administrative rules subject to the provisions of this section and
14 chapter 536, RSMo, to effectuate and implement any program
15 formed pursuant to this section.

16 3. The board may expend appropriated funds necessary to
17 provide for operational expenses of the program formed pursuant
18 to this section.

19 4. Any member of the program, as well as any
20 administrator, staff member, consultant, agent, or employee of the
21 program, acting within the scope of his or her duties and without
22 actual malice, and all other persons who furnish information to the
23 program in good faith and without actual malice, shall not be liable
24 for any claim of damages as a result of any statement, decision,
25 opinion, investigation, or action taken by the program, or by any
26 individual member of the program.

27 5. All information, interviews, reports, statements,
28 memoranda, or other documents furnished to or produced by the
29 program, as well as communications to or from the program, any
30 findings, conclusions, interventions, treatment, rehabilitation, or
31 other proceedings of the program which in any way pertain to a
32 licensee who may be, or who actually is, impaired shall be
33 privileged and confidential.

34 6. All records and proceedings of the program which pertain
35 or refer to a licensee who may be, or who actually is, impaired shall
36 be privileged and confidential and shall be used by the program
37 and its members only in the exercise of the proper function of the
38 program and shall not be considered public records under chapter
39 610, RSMo, and shall not be subject to court subpoena or subject to
40 discovery or introduction as evidence in any civil, criminal, or
41 administrative proceedings except as provided in subsection 4 of
42 this section.

43 7. The program may disclose information relative to an
44 impaired licensee only when:

45 (1) It is essential to disclose the information to further the
46 intervention, treatment, or rehabilitation needs of the impaired
47 licensee and only to those persons or organizations with a need to

48 know;

49 (2) Its release is authorized in writing by the impaired
50 licensee;

51 (3) A licensee has breached his or her contract with the
52 program. In this instance, the breach may be reported only to the
53 board of nursing; or

54 (4) The information is subject to a court order.

55 8. When pursuing discipline against a licensed practical
56 nurse, registered nurse, or advanced practice registered nurse for
57 violating one or more causes stated in subsection 2 of section
58 335.066, the board may, if the violation is related to chemical
59 dependency or mental health, require that the licensed practical
60 nurse, registered nurse, or advanced practice registered nurse
61 complete the impaired nurse program under such terms and
62 conditions as are agreed to by the board and the licensee for a
63 period not to exceed five years. If the licensee violates a term or
64 condition of an impaired nurse program agreement entered into
65 under this section, the board may elect to pursue discipline against
66 the licensee pursuant to chapter 621, RSMo, for the original
67 conduct that resulted in the impaired nurse program agreement, or
68 for any subsequent violation of subsection 2 of section
69 335.066. While the licensee participates in the impaired nurse
70 program, the time limitations of section 620.154, RSMo, shall toll
71 under subsection 7 of section 620.154, RSMo. All records
72 pertaining to the impaired nurse program agreements are
73 confidential and may only be released under subdivision (7) of
74 subsection 14 of section 620.010, RSMo.

75 9. The board may disclose information and records to the
76 impaired nurse program to assist the program in the identification,
77 intervention, treatment, and rehabilitation of licensed practical
78 nurses, registered nurses, or advanced practice registered nurses
79 who may be impaired by reason of illness, substance abuse, or as
80 the result of any physical or mental condition. The program shall
81 keep all information and records provided by the board confidential
82 to the extent the board is required to treat the information and
83 records closed to the public under chapter 620, RSMo.]

[361.170. 1. The expense of every regular and every special examination, together with the expense of administering the banking laws, including salaries, travel expenses, supplies and equipment, and including the direct and indirect expenses for rent and other supporting services furnished by the state, shall be paid by the banks and trust companies of the state, and for this purpose the director shall, prior to the beginning of each fiscal year, make an estimate of the expenses to be incurred by the division during such fiscal year. To this there shall be added an amount not to exceed fifteen percent of the estimated expenses to pay the costs of rent and other supporting services such as the costs related to the division's services from the state auditor and attorney general and an amount sufficient to cover the cost of fringe benefits furnished by the state. From this total amount the director shall deduct the estimated amount of the anticipated annual income to the fund from all sources other than bank or trust company assessments. The director shall allocate and assess the remainder to the several banks and trust companies in the state on the basis of a weighted formula to be established by the director, which will take into consideration their total assets, as reflected in the last preceding report called for by the director pursuant to the provisions of section 361.130 or from information obtained pursuant to subsection 3 of section 361.130 and, for trust companies which do not take deposits or make loans, the volume of their trust business, and the relative cost, in salaries and expenses, of examining banks and trust companies of various size and this calculation shall result in an assessment for each bank and trust company which reasonably represents the costs of the division of finance incurred with respect to such bank or trust company. A statement of such assessment shall be sent by the director to each bank and trust company on or before July first. One-half of the amount so assessed to each bank or trust company shall be paid by it to the state director of the department of revenue on or before July fifteenth, and the remainder shall be paid on or before January fifteenth of the next year.

2. Any expenses incurred or services performed on account

37 of any bank, trust company or other corporation subject to the
38 provisions of this chapter, outside of the normal expense of any
39 annual or special examination, shall be charged to and paid by the
40 corporation for whom they were incurred or performed. Fees and
41 charges to other corporations subject to this chapter shall be
42 reviewed at least annually by the division of finance to determine
43 whether regulatory costs are offset by the fees and charges and the
44 director of the division of finance shall revise fees and charges to
45 fully recover such costs to the extent allowed by law or recommend
46 to the general assembly necessary statutory changes to fully
47 recover such costs.

48 3. The director of the division of finance shall prepare and
49 maintain an equitable salary schedule for examiners, professional
50 staff, and support personnel that are employees of the
51 division. Personnel employed by the division shall be compensated
52 according to the following schedule, provided that such expense of
53 administering the banking laws is assessed and paid in accordance
54 with this section. The positions and classification plan for such
55 personnel attributed to the examination of the state bank and trust
56 companies shall allow for a comparison of such positions with
57 similar bank examiner positions at federal bank regulatory
58 agencies. State bank examiner positions shall not be compensated
59 at more than ninety percent of parity for corresponding federal
60 positions for similar geographic locations in the state as
61 determined by the director of the division of finance.

62 4. The state treasurer shall credit such payments to a
63 special fund to be known as the "Division of Finance Fund", which
64 is hereby created and which shall be devoted solely to the payment
65 of expenditures actually incurred by the division and attributable
66 to the regulation of banks, trust companies, and other corporations
67 subject to the jurisdiction of the division. Any amount, other than
68 the amount not to exceed fifteen percent for supporting services
69 and the amount of fringe benefits described in subsection 1 of this
70 section, remaining in such fund at the end of any fiscal year and
71 any earnings attributed to such fund shall not be transferred and
72 placed to the credit of the general revenue fund as provided in

73 section 33.080, RSMo, but shall be applicable by appropriation of
 74 the general assembly to the payment of such expenditures of the
 75 division in the succeeding fiscal year and shall be applied by the
 76 division to the reduction of the amount to be assessed to banks and
 77 trust companies in such succeeding fiscal year; provided the
 78 amount not to exceed fifteen percent for supporting services and
 79 the amount of fringe benefits described in subsection 1 of this
 80 section shall be returned to general revenue to the extent
 81 supporting services are not directly allocated to the fund.]

[370.107. 1. Every credit union organized pursuant to
 2 section 370.010 and operating pursuant to the laws of this state
 3 shall pay to the department of revenue a fee determined by the
 4 director based on the total assets of the credit union as of
 5 December thirty-first of the preceding fiscal year. One-half of the
 6 fee shall be paid on or before July fifteenth, and the balance shall
 7 be paid on or before January fifteenth of the next succeeding
 8 year. The maximum fee shall be calculated according to the
 9 following table:

10 Total Assets	11 Fee
11 Under \$2,000,000	12 \$0.125 per \$1,000
	13 of assets up to a
	14 maximum of \$250
14 \$2,000,000 or more	
15 but less than \$5,000,000	16 \$250, plus \$1 per
	17 \$1,000 of assets in
	18 excess of \$2,000,000
18 \$5,000,000 or more	
19 but less than \$10,000,000	20 \$3,250, plus \$0.35 per
	21 \$1,000 of assets in
	22 excess of \$5,000,000
22 \$10,000,000 or more	
23 but less than \$25,000,000	24 \$5,000, plus \$0.20 per
	25 \$1,000 of assets in
	26 excess of \$10,000,000
26 \$25,000,000 or more	27 \$8,000, plus \$0.15 per
	\$1,000 of assets in

28 excess of \$25,000,000.

29 The shares of one credit union which are owned by another credit
30 union shall be excluded from the assets of the first credit union for
31 the purpose of computing the supervisory fee levied pursuant to
32 this section. All fees assessed shall be accounted for as prepaid
33 expenses on the books of the credit union.

34 2. The state treasurer shall credit such payments, including
35 all fees and charges made pursuant to this chapter to a special
36 fund to be known as the "Division of Credit Unions Fund", which
37 is hereby created and which shall be devoted solely and exclusively
38 to the payment of expenditures actually incurred by the division
39 and attributable to the regulation of credit unions. Any amount
40 remaining in such fund at the end of any fiscal year and any
41 earnings attributed to such fund shall not be transferred and
42 placed to the credit of the general revenue fund as provided in
43 section 33.080, RSMo, but shall be used, upon appropriation by the
44 general assembly, for the payment of such expenditures of the
45 division in the succeeding fiscal year and shall be applied by the
46 division to the reduction of the amount to be assessed to credit
47 unions in such succeeding fiscal year. In the event two or more
48 credit unions are merged or consolidated, such excess amounts
49 shall be credited to the surviving or new credit union.

50 3. The expense of every regular and every special
51 examination, together with the expenses of administering the laws
52 pertaining to credit unions, including salaries, travel expenses,
53 supplies and equipment, credit union commission expenses of
54 administrative and clerical assistance, legal costs and any other
55 reasonable expense in the performance of its duties, and an amount
56 not to exceed fifteen percent of the above-estimated expenses to pay
57 the actual costs of rent, utilities, other occupancy expenses and
58 other supporting services furnished by any department, division or
59 executive office of this state and an amount sufficient to cover the
60 cost of fringe benefits shall be paid by the credit unions of this
61 state by the payment of fees yielded by this section.

62 4. The director of the division of credit unions shall prepare
63 and maintain an equitable salary schedule for examiners,

64 professional staff, and support personnel who are employees of the
65 division. Personnel employed by the division shall be compensated
66 according to this schedule, provided that such expense of
67 administering the credit union laws is assessed and paid in
68 accordance with this section. The positions and classification plan
69 for such personnel attributed to the examination of the state credit
70 unions shall allow for a comparison of such positions with similar
71 examiner positions at federal credit union regulatory
72 agencies. State credit union examiner positions shall not be
73 compensated more than ninety percent of parity for corresponding
74 federal positions for similar geographic locations in Missouri as
75 determined by the director of the division of credit
76 unions. Personnel employed by the division shall be compensated
77 according to this schedule, provided that such expense of
78 administering the credit union laws is assessed and paid in
79 accordance with this section.]

[376.1500. As used sections 376.1500 to 376.1532, the
2 following words or phrases mean:

3 (1) "Director", the director of the department of insurance,
4 financial institutions and professional registration;

5 (2) "Discount card", a card or any other purchasing
6 mechanism or device, which is not insurance, that purports to offer
7 discounts or access to discounts in health-related purchases from
8 health care providers;

9 (3) "Discount medical plan", a business arrangement or
10 contract in which a person, in exchange for fees, dues, charges, or
11 other consideration, provides access for plan members to providers
12 of medical services and the right to receive medical services from
13 those providers at a discount. The term does not include any
14 product regulated as an insurance product, group health service
15 product or membership in a health maintenance organization in
16 this state or discounts provided by an insurer, group health service,
17 or health maintenance organizations where those discounts are
18 provided at no cost to the insured or member and are offered due
19 to coverage with a licensed insurer, group health service, or health
20 maintenance organization. The term does not include an

21 arrangement where the discounts or prices are sold, rented, or
22 otherwise provided to another licensed carrier, self-insured or
23 self-funded employer sponsored plan, Taft-Hartley trust, or licensed
24 third party administrator;

25 (4) "Discount medical plan organization", a person or an
26 entity that operates a discount medical plan;

27 (5) "Health care provider", any person or entity licensed by
28 this state to provide health care services including, but not limited
29 to physicians, hospitals, home health agencies, pharmacies, and
30 dentists;

31 (6) "Health care provider network", an entity which directly
32 contracts with physicians and hospitals and has contractual rights
33 to negotiate on behalf of those health care providers with a
34 discount medical plan organization to provide medical services to
35 members of the discount medical plan organization;

36 (7) "Marketer", a person or entity who markets, promotes,
37 sells or distributes a discount medical plan, including a private
38 label entity that places its name on and markets or distributes a
39 discount medical plan but does not operate a discount medical plan;

40 (8) "Medical services", any care, service or treatment of
41 illness or dysfunction of, or injury to, the human body including,
42 but not limited to, physician care, inpatient care, hospital surgical
43 services, emergency services, ambulance services, dental care
44 services, vision care services, mental health services, substance
45 abuse services, chiropractic services, podiatric care services,
46 laboratory services, and medical equipment and supplies. The term
47 does not include pharmaceutical supplies or prescriptions;

48 (9) "Member", any person who pays fees, dues, charges, or
49 other consideration for the right to receive the purported benefits
50 of a discount medical plan; and

51 (10) "Person", an individual, corporation, business trust,
52 estate, trust, partnership, association, joint venture, limited
53 liability company, or any other government or commercial entity.]

2 [376.1516. 1. Each benefit under the discount medical plan
3 shall be included in the written membership materials between the
discount medical plan organization and the member. The written

4 membership materials shall also include a statement notifying the
5 members of their right to cancel under section 376.1508, and such
6 materials shall also list all of the disclosures required by section
7 376.1512.

8 2. Upon request by the director, any forms used by a
9 discount medical plan organization, including written membership
10 materials, shall be submitted to the director.]

[393.906. A nonprofit water company shall have power:

2 (1) To sue and be sued, in its corporate name;

3 (2) To have succession by its corporate name for the period
4 stated in its articles of incorporation or, if no period is stated in its
5 articles of incorporation, to have such succession perpetually;

6 (3) To adopt a corporate seal and alter the same at
7 pleasure;

8 (4) To provide water treatment services to its members, to
9 governmental agencies and political subdivisions;

10 (5) To make loans to persons to whom water treatment is
11 or will be supplied by the company for the purpose of, and
12 otherwise to assist such persons in, installing therein plumbing
13 fixtures, appliances, apparatus and equipment of any and all kinds
14 and character, and in connection with such installation to
15 purchase, acquire, lease, sell, distribute, install and repair such
16 plumbing fixtures, appliances, apparatus and equipment, and to
17 accept or otherwise acquire, and to sell, assign, transfer, endorse,
18 pledge, hypothecate and otherwise dispose of notes, bonds and
19 other evidences of indebtedness and any and all types of security
20 for such indebtedness;

21 (6) To make loans to persons to whom water treatment is
22 or will be supplied by the company for the purpose of, and
23 otherwise to assist such persons in, constructing, maintaining and
24 operating commercial or industrial plants or facilities;

25 (7) To construct, purchase, take, receive, lease as lessee or
26 otherwise acquire, and to own, hold, use, equip, maintain and
27 operate, and to sell, assign, transfer, convey, exchange, lease as
28 lessor, mortgage, pledge or otherwise dispose of or encumber, water
29 provision or collection or treatment systems, plants, lands,

30 buildings, structures, dams and equipment, and any and all kinds
31 and classes of real or personal property whatsoever, which shall be
32 deemed necessary, convenient or appropriate to accomplish the
33 purpose for which the company is organized;

34 (8) To purchase or otherwise acquire, and to own, hold, use
35 and exercise and to sell, assign, transfer, convey, mortgage, pledge,
36 hypothecate or otherwise dispose of or encumber, franchises, rights,
37 privileges, licenses, rights-of-way and easements;

38 (9) To borrow money and otherwise contract indebtedness,
39 and to issue notes, bonds and other evidences of indebtedness, and
40 to secure the payment of such indebtedness by mortgage, pledge,
41 deed of trust, or any other encumbrance upon any or all of its
42 then-owned or after-acquired real or personal property, assets,
43 franchises, revenues or income;

44 (10) To construct, maintain and operate water distribution
45 and collection and treatment plants and lines along, upon, under
46 and across all public thoroughfares, including without limitation,
47 all roads, highways, streets, alleys, bridges and causeways, and
48 upon, under and across all publicly owned lands;

49 (11) To exercise the power of eminent domain in the
50 manner provided by the laws of this state for the exercise of that
51 power by corporations constructing or operating electric
52 transmission and distribution lines or systems;

53 (12) To conduct its business and exercise any or all of its
54 powers within or without this state;

55 (13) To adopt, amend and repeal bylaws; and

56 (14) To do and perform any and all other acts and things,
57 and to have and exercise any and all other powers which may be
58 necessary, convenient or appropriate to accomplish the purpose for
59 which the company is organized.]

2 [393.921. 1. No person shall become a member of a
3 nonprofit water company unless such person shall agree to use
4 services furnished by the company when such shall be available
5 through its facilities. The bylaws of a company may provide that
6 any person, including an incorporator, shall cease to be a member
of such company if such person shall fail or refuse to use services

7 made available by the company or if services shall not be made
8 available to such person by the company within a specified time
9 after such person shall have become a member of such
10 company. Membership in the company shall not be transferable,
11 except as provided in the bylaws. The bylaws may prescribe
12 additional qualifications and limitations with respect to
13 membership.

14 2. An annual meeting of the members shall be held at such
15 time as shall be provided in the bylaws.

16 3. Special meetings of the members may be called by the
17 board of directors, by any three directors, by not less than ten
18 percent of the members or by the president.

19 4. Meetings of members shall be held at such place as may
20 be provided in the bylaws. In the absence of any such provisions,
21 all meetings shall be held in the city or town in which the principal
22 office of the company is located.

23 5. Except as otherwise provided in sections 393.900 to
24 393.951, written or printed notice stating the time and place of
25 each meeting of members and, in the case of a special meeting, the
26 purpose or purposes for which the meeting is called, shall be given
27 to each member, either personally or by mail, not less than ten nor
28 more than twenty-five days before the date of the meeting.

29 6. Two percent of the members, present in person or by
30 mail or proxy shall constitute a quorum for the transaction of
31 business at all meetings of the members, unless the bylaws
32 prescribe the presence of a greater percentage of the members for
33 a quorum. If less than a quorum is present at any meeting, a
34 majority of those present in person may adjourn the meeting from
35 time to time without further notice.

36 7. Each member shall be entitled to one vote on each matter
37 submitted to a vote at a meeting. Voting shall be in person, but,
38 if the bylaws so provide, may also be by proxy or by mail, or both.
39 If the bylaws provide for voting by proxy or by mail, they shall also
40 prescribe the conditions under which proxy or mail voting shall be
41 exercised.]

[441.236. 1. In the event that any premises to be leased by

2 a landlord is or was used as a site for methamphetamine
3 production, the landlord shall disclose in writing to the tenant the
4 fact that methamphetamine was produced on the premises,
5 provided that the landlord had knowledge of such prior
6 methamphetamine production. The landlord shall disclose any
7 prior knowledge of methamphetamine production, regardless of
8 whether the persons involved in the production were convicted for
9 such production.

10 2. A landlord shall disclose in writing the fact that any
11 premises to be leased by the landlord either was the place of
12 residence of a person convicted of any of the following crimes, or
13 was the storage site or laboratory for any of the substances for
14 which a person was convicted of any of the following crimes,
15 provided that the landlord knew or should have known of such
16 convictions:

17 (1) Creation of a controlled substance in violation of section
18 195.420, RSMo;

19 (2) Possession of ephedrine with intent to manufacture
20 methamphetamine in violation of section 195.246, RSMo;

21 (3) Unlawful use of drug paraphernalia with the intent to
22 manufacture methamphetamine in violation of subsection 2 of
23 section 195.233, RSMo;

24 (4) Endangering the welfare of a child by any of the means
25 described in subdivision (4) or (5) of subsection 1 of section 568.045,
26 RSMo; or

27 (5) Any other crime related to methamphetamine, its salts,
28 optical isomers and salts of its optical isomers either in chapter
29 195, RSMo, or in any other provision of law.]

[470.270. 1. Notwithstanding any other provision of this
2 chapter, after the owner, the owner's assignee, personal
3 representative, grantee, heirs, devisees or other successors, entitled
4 to any moneys, refund of rates or premiums or effects by reason of
5 any litigation concerning rates, refunds, refund of premiums, fares
6 or charges collected by any person or corporation in the state of
7 Missouri for any service rendered or to be rendered in said state,
8 or for any contract of insurance on property in this state, or under

9 any contract of insurance performed or to be performed in said
10 state, which moneys, refund of rates or premiums or effects have
11 been paid into or deposited in connection with any cause in any
12 court of the state of Missouri or in connection with any cause in
13 any United States court, or so paid into the custody of any
14 depository, clerk, custodian, or other officer of such court, whether
15 the same be afterwards transferred and deposited in the United
16 States treasury or not, shall be and remain unknown, or the
17 whereabouts of such person or persons shall be and has been
18 unknown, for the period heretofore, or hereafter, of three successive
19 years, or such moneys, refund of rates or premiums or effects
20 remain unclaimed for the period heretofore, or hereafter, of three
21 successive years, from the time such moneys or property are
22 ordered repaid or distributed by such courts, such moneys or
23 property shall be deemed abandoned and transferred to the state
24 of Missouri, with all interest and earnings actually accrued thereon
25 to the date of transfer of the same. All moneys or property
26 transferring to the state pursuant to this section shall be deemed
27 unclaimed property under the uniform disposition of unclaimed
28 property act as set forth in chapter 447, RSMo, and shall be treated
29 in the same manner as all other unclaimed property under such
30 act.

31 2. In fiscal year 2003, the commissioner of administration
32 shall estimate the amount of any additional state revenue received
33 pursuant to subsection 3 of section 470.020 and shall transfer an
34 equivalent amount of general revenue to the schools of the future
35 fund created in section 163.005, RSMo.]

2 [565.082. 1. A person commits the crime of assault of a law
3 enforcement officer, corrections officer, emergency personnel, or
4 probation and parole officer in the second degree if such person:

5 (1) Knowingly causes or attempts to cause physical injury
6 to a law enforcement officer, corrections officer, emergency
7 personnel, or probation and parole officer by means of a deadly
8 weapon or dangerous instrument;

9 (2) Knowingly causes or attempts to cause physical injury
to a law enforcement officer, corrections officer, emergency

10 personnel, highway worker in a construction zone or work zone, or
11 probation and parole officer by means other than a deadly weapon
12 or dangerous instrument;

13 (3) Recklessly causes serious physical injury to a law
14 enforcement officer, corrections officer, emergency personnel, or
15 probation and parole officer; or

16 (4) While in an intoxicated condition or under the influence
17 of controlled substances or drugs, operates a motor vehicle or vessel
18 in this state and when so operating, acts with criminal negligence
19 to cause physical injury to a law enforcement officer, corrections
20 officer, emergency personnel, or probation and parole officer;

21 (5) Acts with criminal negligence to cause physical injury
22 to a law enforcement officer, corrections officer, emergency
23 personnel, or probation and parole officer by means of a deadly
24 weapon or dangerous instrument;

25 (6) Purposely or recklessly places a law enforcement officer,
26 corrections officer, emergency personnel, or probation and parole
27 officer in apprehension of immediate serious physical injury; or

28 (7) Acts with criminal negligence to create a substantial
29 risk of death or serious physical injury to a law enforcement officer,
30 corrections officer, emergency personnel, or probation and parole
31 officer.

32 2. As used in this section, "emergency personnel" means
33 any paid or volunteer firefighter, emergency room or trauma center
34 personnel, or emergency medical technician as defined in
35 subdivisions (15), (16), (17), and (18) of section 190.100, RSMo.

36 3. As used in this section the term "corrections officer"
37 includes any jailer or corrections officer of the state or any political
38 subdivision of the state.

39 4. Assault of a law enforcement officer, corrections officer,
40 emergency personnel, or probation and parole officer in the second
41 degree is a class B felony unless committed pursuant to subdivision
42 (2), (5), (6), or (7) of subsection 1 of this section in which case it is
43 a class C felony.]

[622.010. A "Division of Motor Carrier and Railroad Safety"
2 is hereby established within the department of economic

3 development. The division shall be headed by a director,
4 nominated by the department director and appointed by the
5 governor with the advice and consent of the senate. The director
6 shall be the chief administrative officer of the division.]

[622.010. A "Transportation Division" is hereby established
2 within the department of economic development. Effective on July
3 1, 1997, the name "Transportation Division" shall be changed to the
4 "Division of Motor Carrier and Railroad Safety". The division shall
5 be headed by a director, nominated by the department director and
6 appointed by the governor with the advice and consent of the
7 senate. The director shall be the chief administrative officer of the
8 division.]

[644.031. 1. The general assembly may appropriate funds
2 to the clean water commission of the department of natural
3 resources for the control of storm water in any county of the first
4 classification or in any city with a population between three
5 hundred fifty thousand and five hundred thousand, or any city not
6 within a county. The commission shall administer and expend
7 such funds in accordance with the terms of the appropriation.

8 2. The commission shall administer and expend such funds
9 in the following manner:

10 (1) The funds shall be distributed based on the percentage
11 of the population of a county or city that is eligible pursuant to this
12 section in relation to the combined population of all counties and
13 cities that are eligible for such funds pursuant to this section,
14 according to the most recent federal decennial
15 census. Participating counties or cities must have a comprehensive
16 storm water control plan or study approved by the Missouri clean
17 water commission, or a comparable study acceptable to the U.S.
18 Army Corps of Engineers and approved by the commission, prior to
19 being eligible, however, a comprehensive storm water control plan
20 or study prepared by any city or other political subdivision within
21 a participating county may be accepted by the clean water
22 commission in lieu of a county plan or study;

23 (2) The commission shall obligate all funds appropriated
24 under this section to qualifying political subdivisions for storm

25 water projects or for a comprehensive storm water control plan or
26 study approved by the Missouri clean water commission prior to
27 the end of the fiscal year of the appropriation or
28 reappropriation. The political subdivisions receiving assistance
29 under this section shall award all significant construction contracts
30 for their projects within eighteen months of the appropriation or
31 reappropriation;

32 (3) Any funds remaining unobligated at the end of the fiscal
33 year together with any funds obligated for construction contracts
34 which were not awarded within eighteen months of the
35 appropriation or reappropriation shall be returned to the
36 commission and redistributed in accordance with this section.

37 3. Funds authorized by the general assembly for storm
38 water control to an eligible county or city may be expended for no
39 more than one-third of the costs of any one storm water project.

40 4. Other provisions of this section notwithstanding, in those
41 cities or counties served by a sewer district established pursuant
42 to article VI, section 30(a) of the Constitution of the state of
43 Missouri, any grants or loans awarded shall be disbursed directly
44 to such district.]

[644.568. In addition to those sums authorized prior to
2 August 28, 1999, the board of fund commissioners of the state of
3 Missouri, as authorized by section 37(g) of article III of the
4 Constitution of the state of Missouri, may borrow on the credit of
5 this state the sum of ten million dollars for the purposes of
6 financing and constructing improvements as set out in this
7 chapter. The department shall allocate these funds to counties,
8 municipalities, sewer districts, water districts, or any combination
9 of the same to provide grants and loans for rural water and sewer
10 projects.]

✓